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# STUDIES IN ROMAN HISTORY

By

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TO  
MY PUPILS  
PAST AND PRESENT

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## Preface

WHEN I found that the time had come for a second edition of CHRISTIANITY AND THE ROMAN GOVERNMENT, I at first intended merely to republish that little book in its original form. Wisely or unwisely, however, I have determined to incorporate in the same volume a few other essays, on more or less special subjects in Roman History, which, whatever their own intrinsic value, had cost me considerable labour in past years.

To republish old work perhaps may be taken as a sign that either the ability, or the interest, to produce anything new has ceased to exist. In my case, I think I may fairly say that it is the ability, and not the interest, which has changed.

Fruitful or original work in Roman History is not possible, when inscriptions can no longer be decyphered nor classical texts studied and compared. All that I can do now, on the subject which formerly occupied most of my time, is to appreciate (by means of other eyes) such notable contributions towards the scientific study of Roman History as those which Mr. Strachan-Davidson, Dr. Greenidge, and Mr. Henderson, have made and are making—contributions which promise to render less indispensable in the future a knowledge of German works and the German language, at least for Oxford students of the subject.

The following studies are presented almost exactly in their original form. I have contrived to remove a few obvious mistakes and inconsistencies ; and I have added a few pages to *The Movements of the Legions* from a paper on The German Army and Frontier, written before conditions became unfavourable and now probably never to be published. No doubt I should have wished



to do much more to render these essays both useful and worthy of attention : but I trust it will be understood that circumstances preclude even anything like a systematic revision.

I have to express my thanks to the editors and publishers of the ENGLISH HISTORICAL REVIEW, for permission to reprint *The Movements of the Legions* and *The Provincial Concilia*, and to Messrs. Macmillan for allowing me to incorporate a portion of my *Introduction to Plutarch's Lives of Galba and Otho* ; together with three shorter papers from THE JOURNAL OF PHILOLOGY.

Finally I wish to express my great obligations to my friend Mr. Rolfe, without whose assistance this volume could never have been prepared. He has not only carefully gone through all the essays, preparing them for press, but has undertaken the entire work of correcting the proofs—a task of no small difficulty considering the intricate nature of the notes. I am convinced that, through his care, the remediable and accidental errors have been reduced to a minimum.

E. G. HARDY.

OXFORD, *December*, 1905.

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## I

# The Attitude of the Republic towards Foreign Cults

THE policy of the Roman government towards the Christians is involved in not a few difficulties, and though many attempts have been made to give a consistent explanation of the facts which from various sources are supplied to us, none of them can be said to have met with universal acceptance. This is, perhaps, to a certain extent inevitable. Our information, such as it is, comes to us from one of two sources—from Roman writers or from Christian; and while it is almost impossible not to presuppose a certain amount of bias on both sides, there is this further and special obstacle to our arrival at the truth: that while the heathen writers in the too few and too brief notices which have come down to us treat the matter as one of only a passing and superficial interest, our Christian authorities, on the other hand, are men of one idea, to whom Christianity is the one important feature in the history of the time. Add to this that neither on the one side nor the other is there any consecutive account of the spread and fate of Christianity, either in Rome or other parts of the empire, but rather isolated notices which seem to assume on the part of the reader knowledge which we at least, separated from the facts by so many centuries, do not possess. Finally, even assuming that by the synthesis of scattered notices, by inference from indirect evidence, and by the weighing of probabilities with the aid of whatever

critical apparatus is at our disposal, we can make to a certain extent continuous what we find disjointed, there still remains the fact that the evidence on which we have ultimately relied is on the one side tainted with the hatred, contempt, and mistrust which the unintelligible and therefore unpardonable "obstinacy" of the Christians produced in the heathen mind, and on the other with the passionate sense of injustice which rankled in and undoubtedly warped the minds of the Christian writers.<sup>1</sup>

How is the treatment to which the Christians were subjected during the first two centuries (for to that period we shall confine ourselves) consistent with the toleration with which the Roman government in religious matters has generally been credited? Was this toleration less complete than we have been used to suppose? or has the extent, severity, and meaning of the persecutions been, as Gibbon was the first to suggest, exaggerated or misrepresented? <sup>2</sup> It is the great merit of Mommsen's article in the "*Historische Zeitschrift*" <sup>3</sup>—an article which has laid the foundation for a more systematic treatment of the subject—to have pointed out that neither the one question nor the other can be fairly considered as long as we confine ourselves to the case of the Christians alone. Their treatment was only a part—no doubt as time went on always tending to be the most important part—of the general policy of the Roman government in those matters where religious, social, and political interests touched and overlapped. Christianity was not the only foreign cult with which the government had to deal; it was not the only foreign cult with which it had to interfere; and while it may be possible, perhaps, at the outset to define generally the

<sup>1</sup> The tone adopted by the writer of the Apocalypse is a case in point. Professor Ramsay argues from the extreme bitterness of the Apocalypse that the persecutions of the first century must have been severer than those of the second. His argument is noticed below on p. 73, note 41.

<sup>2</sup> See Gibbon's two famous chapters xv. and xvi.

<sup>3</sup> Vol. lxiv. 1890, *Der Religionsfrevel nach römischem Recht*.



Roman policy in religious matters, such a definition will carry us a very little way—partly because of the growing indifference to the national religion which was insensibly reflected in the action of the government, but mainly because a “religious policy” tended more and more to become an abstraction, the concrete embodiments of which were modified by diverse political and social considerations, which were never the same in any two cases. In order, therefore, to form a well-grounded judgment on the treatment of Christianity, we have not only to discover from the often conflicting and uncertain evidence what that treatment was, but to connect it generally, if possible, with any underlying principles of Roman policy, and to show how these were or may have been modified by political and social circumstances, really or apparently involved in the nature of Christianity as it developed through the empire, or in the conditions amid which the Roman empire itself had coalesced, and on which its stability seemed to depend.

The Roman religion was essentially and before all things a national religion ; its object was primarily, not the honour of the gods, but the safety of the state, of which the goodwill of the gods was supposed to be the necessary condition.<sup>4</sup> Its observance was therefore the duty of every citizen, and was an even more necessary part of patriotism than service in the army, because the sin of a single recusant might call down the anger of the neglected gods on the whole state. It was, therefore, in early times the duty of the executive to enforce on citizens the observance of the national religion, and, if necessary, to punish its neglect. But the simple state of things which the principle so stated implies was of no long duration. The mission of the Roman state was a mission of conquest, and each fresh conquest, whether within Italy or without, opened out new mercantile communications with foreign nations. Foreigners from all quarters came to Rome, and with them necessarily came their gods ; and henceforward Roman policy was

<sup>4</sup> See Boissier, *La Religion Romaine*, vol. i. p. 10 seq.

the outcome of two principles ; different, indeed, but not essentially opposed, the exclusiveness of a national religion, modified, though by no means destroyed, by the comprehensiveness which is inherent in all polytheism. It is, as we should expect, the latter principle which is the most patent and easy to trace. Gradually the number of deities included in the national religion increased as the Roman citizenship was extended over Italy and as communication with the Greek nation became closer and more continuous. What were originally foreign cults could always be incorporated by the executive—who, however, would never take action without the support of a senatorial decree<sup>5</sup>—in the national worship, and so come under the general superintendence of the pontifices as “*sacra populi Romani* ;” the only distinction between these “*dii novensiles*,”<sup>6</sup> as they were called, and the “*dii indigetes*” being that the former, unless they were identified under another name with one of the old deities, were not allowed within the pomerium.

In this way were gradually adopted into the Roman state worship not only such Italian deities as Juno Regina from Veii,<sup>7</sup> or Diana from Aricia, but Apollo,<sup>8</sup> Aesculapius,<sup>9</sup> Ceres,<sup>10</sup> Dis, and—to a great extent through

<sup>5</sup> Tert. *Apol.* 5 : “*Vetus erat decretum ne quis deus ab imperatore consecraretur, nisi a senatu probatus ;*” and 13, “*Status dei cuiusque in senatus aestimatione pendebat.*”

<sup>6</sup> Arnobius, iii. 38 : “*Cincius numina peregrina novitate ex ipsa appellata pronuntiat ; nam solere Romanos religiones urbium superatarum partim privatim per familias spargere, partim publice consecrare, ac ne aliquid deorum multitudine aut ignorantia praeteriretur, brevitatis et compendii causa uno pariter nomine cunctos novensiles invocari.*” Cf. Liv. viii. 9.

<sup>7</sup> Liv. v. 21 : “*Te simul, Juno regina, quae nunc Veios colis, precor, ut nos victores in nostram, tuamque mox futuram, urbem sequare.*”

<sup>8</sup> Liv. iv. 25 and 29 ; cf. xxv. 12.

<sup>9</sup> Val. Max. i. 8, 2 : “*Cura sacerdotum inspectis Sibyllinis libris animadvertit non aliter pristinam recuperari salubritatem posse, quam si ab Epidaurio Aesculapius esset accersitus.*” Liv. x. 47.

<sup>10</sup> Val. Max. i. 1, 1 ; Dionys. 6, 17 ; Tac. *Ann.* 2, 49 ; Cic. *pro Balb.* 24, 55.

the influence of the Sibylline books<sup>11</sup>—almost all the Hellenic gods ; so that long before the unification of Italy it was true “ cunctas caerimonias Italicis in oppidis et numinum effigies iuris atque imperii Romani esse.”<sup>12</sup> Nor were Greek and Italian cults alone thus received and recognised by the state. The same procedure was adopted as early as 204 B.C. in reference to the Oriental cult of Cybele, whose image, symbolised in a sacred stone, was, in accordance with the directions of the Sibylline books, brought to Rome from Pessinus in Galatia ; and, in consequence apparently of her identification with the Italian Magna Mater, was ultimately placed in a temple within the pomerium on the Palatine itself.<sup>13</sup> Similarly, in the course of the Mithridatic wars, the worship of the Cappadocian goddess, centring round Comana, was introduced into Rome and identified with the Italian deity Bellona.<sup>14</sup> Manifestly this enlargement of the state worship was due to political considerations ; the narrower circle of “ dii indigetes ” no longer satisfied a population so varied and heterogeneous as that of Rome was fast becoming. And in the case of an Oriental cult, like that of Cybele, it naturally seemed more advisable, by recognising it as part of the state cult, to place it under the control of the government, represented by the pontifices, and so to sanction its restricted observance by the whole citizen body, rather than, by allowing free scope within a limited number of the population to a worship characterised in its native form by a certain sensuousness and extravagance, to run the risk of a general corruption of religion or morality.

But in a population so large and so mixed as that of Rome in the last century of the republic other strange and unfamiliar cults could not but creep in, not recognised by the government, and so beyond the control of

<sup>11</sup> Marquardt, *Staatsverw.* iii. pp. 42, 52 and 358.

<sup>12</sup> Tac. *Ann.* iii. 71.

<sup>13</sup> Liv. xxix. 10 and 14 : xxxvi. 36.

<sup>14</sup> Plut. *Sull.* 9 : Δέγεται δὲ μετὰ τοὺς ὕπνους αὐτῷ Σύλλα φανῆναι θεὸν ἣν τιμῶσι Ῥωμαῖοι παρὰ Καππαδόκων μαθόντες, εἶτε δὴ Σελήνην οὖσαν εἶτε Ἀθηνᾶν εἶτε Ἐννύ.

the pontifices. With regard to these, the state policy seems to have been in the main one of watchful toleration. So far as the public morality was not endangered,<sup>15</sup> and so far as Roman citizens were not led to neglect or to violate the national worship, these cults were not interfered with. Nor was this a mere *laissez-faire* procedure, at any rate at first. The government knew its own strength; the executive magistrates were armed with a very wide police authority, which enabled them to step in at once, with or without the support of the senate, whenever public order or public morality or public religion seemed in any way endangered. As might be expected, the occasions for this interference were not wanting.

As early as 425 B.C. the aediles, in consequence of the invasion of new sacrificial rites, are ordered to take care "ne qui nisi Romani dii neu quo alio more quam patrio colerentur."<sup>16</sup> In 213 B.C. the anxieties of the Hannibalic war had made both men and women more inclined to have recourse to strange and foreign rites, and Roman citizens in the publicity of the Forum and the Capitol had not shrunk from celebrating non-national modes of worship. So open a scandal imperatively called for the interference of the government; the executive were censured by the senate, and the praetor at the command of the same body issued an edict, "ne quis in publico sacrove loco novo aut externo ritu sacrificaret."<sup>17</sup> That many other instances of the same sort occurred we may be quite certain, though few of them are recorded. "How often," asks Postumius in

<sup>15</sup> Serv. ad *Aen.* iv. 303: "Sacra Nyctelia quae populus Romanus exclusit causa turpitudinis."

<sup>16</sup> Liv. iv. 30: "Nec corpora modo adfecta tabo sed animos quoque multiplex religio et pleraque externa invasit: novos ritus sacrificandi vaticinando inferentibus in domos quibus quaestui sunt capti superstitione animi: donec publicus iam pudor ad primores civitatis pervenit, cernentes in omnibus vicis sacellis que peregrina atque insolita piacula pacis deum exposcendae."

<sup>17</sup> *Id.* xxv. 1: "Tanta religio, et ea magna ex parte externa, civitatem incessit, ut aut homines aut dii repente alii viderentur facti," etc.

188 B.C., "in the time of our fathers and grandfathers were instructions given to the magistrates *ut sacra externa fieri vetarent*?"<sup>18</sup> In all these cases it is probably safe with Mommsen to assume that the particular point which called for interference on the part of the government was not the celebration of the foreign cult in itself, but the participation in it of Roman citizens or its intrusion within the limits of the pomerium. But even on this point the vigilance of the magistrates tended to become relaxed. Even in the use of an adopted cult like that of the Magna Mater this tendency towards greater laxity in course of time declared itself. The cult was at first placed under strict regulations: the priests who conducted the worship were Phrygians, and though a procession with some of the national rites, such as the blowing of trumpets and the clashing of cymbals, was allowed to pass through the city, the worship was stripped of its most extravagant features, and, above all, Roman citizens were forbidden by decree of the senate personally to participate in the ministrations of the cult.<sup>19</sup> Dionysius writes, indeed, as if these

<sup>18</sup> *Id.* xxxix. 16: "Quoties hoc patrum avorumque aetate negotium est magistratibus datum, ut sacra externa fieri veta- rent, sacrificulos vatesque foro, circo, urbe prohiberent, vaticinos libros conquirerent comburerentque, omnem disciplinam sacri- ficandi, praeterquam more Romano abolerent? Iudicabant enim prudentissimi viri omnis divini humanique iuris nihil aequae dissolvendae religionis esse quam ubi non patrio sed externo ritu sacrificaretur."

<sup>19</sup> *Dionys.* ii. 19: καὶ ὁ πάντων μάλιστα ἔγωγε τεθαύμακα καίπερ μυρίων ὄσων εἰς τὴν πόλιν ἐληλυθότων ἐννῶν οἷς πολλὴ ἀνάγκη σέβειν τοὺς πατέρας θεοὺς τοῖς οἴκοθεν νομίμοις, οὐδενὸς εἰς ζῆλον ἐλήλυθε τῶν ξενικῶν ἐπιτηδευμάτων ἢ πόλιν δημοσίᾳ, ὁποῖα πολλὰς ἤδη συνέβη παθεῖν· ἀλλὰ καὶ εἴ τινα κατὰ χρησμούς ἐπεισηγάγετο ἱερὰ, τοῖς ἑαυτῆς αὐτὰ τιμὰ νομίμοις, ἅπασαν ἐκβάλλουσα τερθρείαν μυθικὴν, ὥσπερ τὰ τῆς Ἰδαίας ἱερὰ. θυσίας μὲν γὰρ αὐτῇ καὶ ἀγῶνας ἄγουσιν ἀνὰ πᾶν ἔτος οἱ στρατηγοὶ κατὰ τοὺς Ῥωμαίων νόμους· ἱερᾶται δὲ αὐτῆς ἀνὴρ Φρυγὸς καὶ γυνὴ Φρυγία· καὶ περιάγουσιν ἀνὰ τὴν πόλιν οὗτοι μητραγυρτοῦντες, ὥσπερ αὐτοῖς ἔθος, τύπους τε περικείμενοι τοῖς στήθεσι, καὶ κατανλού- μενοι πρὸς τῶν ἐπομένων τὰ μητρώα μέλη καὶ τύμπανα κροτοῦντες. Ῥωμαίων δὲ τῶν αὐθιγενῶν οὔτε μητραγυρτῶν τις οὔτε κατανλούμενος πορεύεται διὰ τῆς πόλεως ποικίλῃ ἐνδεδουκῶς στολῇ οὔτε ὀργιαζῶν τὴν θεὸν τοῖς Φρυγίοις ὀργιασμοῖς κατὰ νόμον καὶ ψήφισμα βουλῆς. οὕτως εὐλαβῶς ἢ πόλις ἔχει πρὸς τὰ οὐκ ἐπιχώρια ἔθνη περὶ θεῶν.



restrictions were still observed in the time of Augustus. If so, it was perhaps in consequence of the Augustan religious reformation; but more probably he is describing a state of things which had long since passed away. At any rate it did ultimately pass away. We know from inscriptions that the *archigallus* or chief priest of Cybele was usually a Roman,<sup>20</sup> and certainly the cult was celebrated under the empire with much, if not all, of its Oriental enthusiasm.<sup>21</sup>

Livy's account of the Bacchanalian conspiracy<sup>22</sup> puts into the clearest light both the action of the government in cases where public morality or public security seemed to be endangered by foreign cults, and also the extent to which such cults might spread even among Roman citizens without attracting the attention of the government. These Bacchic rites, of undoubtedly Oriental origin, and for centuries common enough in Greece and Asia Minor, were apparently introduced into Etruria by a Greek adventurer, and from there spread with extreme rapidity both in Italy and Rome. At first women only were admitted into the *θιασοί*, or secret associations, which formed the basis of the cult: the initiation took place by day, and the meetings were held only three times a year. But all this was now changed: men were initiated as well as women; the initiated were to be under twenty years of age. Meetings were held five times in every month, and took place under the secrecy of night. The inevitable enormities did not fail to follow, and the Bacchic associations became hotbeds not only of moral corruption, but of

<sup>20</sup> See *C. I. L.* vi. 2183, and other inscriptions collected by Marquardt, p. 369.

<sup>21</sup> See especially the description in Apuleius, *Met.* vii i.27; also Mart. ii. 84, 3-4; Stat. *Theb.* x. 170 foll.; Seneca, *Agam* 687 foll.:

“Non, nisi molles imitata viros  
Tristis laceret brachia tecum  
Quae turritae turba parenti  
Pectora rauco concita buxo  
Furit, ut Phrygium lugeat Attin.”

<sup>22</sup> Liv. xxxix. 8 foll.

civil crimes, such as forgery and murder, and even of political conspiracy. Accident brought this state of things to the notice of the government. The consul whose duty it was to take action laid the whole matter before the senate; an extraordinary investigation was held, and the cult was put down throughout Italy with energy and promptitude. More than 7,000 men and women were found to be implicated, and of these more than half were executed, while Bacchic associations were forbidden for the future. That political and moral rather than purely religious considerations guided the government action in this matter is clear from the whole account of Livy, and is proved by a saving clause in the senatorial decree abolishing the cult, to the effect that if individuals deemed it incumbent on them to celebrate any Bacchic rites, they might do so on obtaining a licence from the *praetor urbanus*, so long as no more than five persons, two men and three women, met together for the purpose.<sup>23</sup>

This event took place in 188 B.C. A hundred years later the government would have found it perhaps a less easy matter to put down so effectually an intrusive Oriental cult. At least the history of the Isis cult and the attitude of the government towards it tend to favour this supposition. By the last century of the republic popular belief in the national religion was very greatly undermined. The very toleration which characterized it might easily lead to indifferentism; its frequent resort to new modes of worship, especially in times of public danger and anxiety, was in itself a confession of insufficiency and weakness.<sup>24</sup> The upper classes, per-

<sup>23</sup> See S. C. de Bacchanalibus, in Brun's *Fontes Iuris Rom. Ant.* p. 146: "Sacra in oquoltod (occulto) ne quisquam fecise velet; neve in poplicod neve in preivatod neve extrad urbem sacra quisquam fecise velet, nisei pr. urbanum adieset, isque de senatus sententiad . . . jousiset." Cf. Liv. xxxix. 18 *ad fin.*

<sup>24</sup> So, on the occasion of a plague in 395 B.C., Dionysius says (x. 53): καὶ πολλὰ ἐνεωτερίσθη Ῥωμαίοις οὐκ ὄντα ἐν ἔθει περὶ τίμας τῶν θεῶν ἐπιτηδεύματα οὐκ εὐπρεπῇ. Dio Cass. *Frag.* 24, 1 (Bekk): οἱ Ῥωμαῖοι πολλὰς μάχας μαχεσάμενοι καὶ πολλὰ καὶ παθόντες καὶ δρᾶσαντες τῶν μὲν πατρίων ἱερῶν ὠλιγόρησαν. πρὸς δὲ τὰ ξενικὰ ὥς καὶ

meated with the sceptical philosophy of Greece, hardly took the trouble to keep up a decent appearance of belief:<sup>25</sup> popular poets scoffed openly at the established religion. More important still was the avowedly political character of the religion; it was a state religion, but the state was an oligarchy, and therefore the religion established and supported by the government tended to become a party religion—a religion of the minority—which, if indifferent to its own supporters, was worse than indifferent to the masses and the subject classes. Reasons of a more subjective kind, and therefore more difficult to trace, came, there is no doubt, in time to be among the attractions towards Oriental cults. The national religion made little appeal to individuals; it was a state cult, and individuals were no longer bound up in the state, as they had been in “the brave days of old.” There was more scope for personal interests and personal aspirations; greater subjectivity of feeling; and in proportion as this developed the less satisfying the old religion was felt to be, with its rigid ceremony and its unemotional character. But it was precisely here that the Oriental religions exercised their paramount influence. Mysterious rites of initiation, sensuous music, a worship crowded with symbolism no less awe-inspiring that it was imperfectly or not at all understood; and, above all, a system of expiatory and purificatory rites, in which there was enough of asceticism to satisfy the craving for something personal in religion and enough of licence to attract the crowd in its non-religious moods, all these things made the population of Rome peculiarly susceptible to the influence of cults like the Egyptian.<sup>26</sup>

At what date the worship of Isis was first introduced into Rome is uncertain, probably early in the last century

ἐπαρκέσονται σφισιν ὥρμησαν; also the passages in Livy already cited, iv. 30 and xxv. 1.

<sup>25</sup> Cic. *De Nat. Deor.* ii. 3, 9.

<sup>26</sup> See on this, Keim, *Rom und das Christenthum*, p. 9 foll., and for the bibliography of the subject see Marquardt, *Staatsverw.* iii. pp. 80–1.

of the republic. At any rate we know that a *collegium* of *pastophori*—the priests who presided at her worship—was established in the time of Sulla.<sup>27</sup> The cult, however, was not a licensed one; it was peculiarly un-Roman in its character; it attracted a large number of citizens; it intruded itself on the very Capitol,<sup>28</sup> and, above all, it was believed to sanction grave immoralities. On account of all these reasons we find repeated action taken by the government. In 58 B.C. the cult was excluded from the Capitol by the consuls of the year;<sup>29</sup> five years later the private shrines were ordered by the senate to be destroyed;<sup>30</sup> in 50 B.C. the temples of Isis and Serapis were destroyed, not without some manifestation of popular feeling;<sup>31</sup> two years later we find the same thing happening again, this time in consequence of action taken by the augurs.<sup>32</sup> So far there had been a consistent attempt, clearly not very successful, on the part of the government to put down this cult. But in 43 B.C., amidst the anarchy of the civil wars, a temple of Isis was built by the triumvirs.<sup>33</sup> From this time the cult, though not formally adopted by the state, was neverthe-

<sup>27</sup> Apul. *Met.* xi. 17: "Coetu pastophorum quod sacrosancti collegii nomen est. . . Collegium vetustissimum et sub illis Sullae temporibus conditum." Cf. Diodor. Sic. i. 29

<sup>28</sup> *C. I. L.* i. 1034. Suet. *Dom.* 1. Tac. *Hist.* iii. 74.

<sup>29</sup> Tert. *Apol.* 6: "Serapidem et Isidem . . . Capitolio prohibitos, id est curia Deorum pulsos, Piso et Gabinius consules . . . abdicaverant."

<sup>30</sup> Dio Cass. xl. 47: τοῖς γὰρ ναοὺς αὐτοῦ οὓς ἰδίᾳ τινὲς ἐπεποίεντο καθελεῖν τῇ βουλῇ ἔδοξεν· οὐ γὰρ δὴ τοὺς θεοὺς τούτους ἐπὶ πολὺ ἐνόμισαν, καὶ ὅτι γε καὶ ἐξενίκησεν, ὥστε καὶ δημοσίᾳ αὐτοὺς σέβεσθαι ἔξω τοῦ πωμηρίου σφᾶς ἰδρύσαντο.

<sup>31</sup> Val. Max. i. 3, 3: "L. Aemilius Paulus, consul cum senatus Isidis et Serapis fana diruenda censuisset, eaque nemo opificum attingere auderet, posita praetexta securim arripuit templique eius foribus infixit."

<sup>32</sup> Dio Cass. xlii. 26: ἔδοξε γνώμῃ τῶν μάντεων πάντα αὐθις τὰ τε ἐκείνης [Isis] καὶ τὰ τοῦ Σεράπιδος τεμενίσματα κατασκάψαι.

<sup>33</sup> Dio Cass. xlvii. 15: τὸν μὲν οἶν ἐνιαυτὸν ἐκείνον ταῦτά τε οὕτως ἐποίησαν, καὶ νεὼν τῷ τε Σεράπιδι καὶ τῇ Ἰσιδι ἐψηφίσαντο.

Cf. Lucan, viii. 831:

"Nos in templa tuam Romana accepimus Isin."

less practically tolerated in Rome.<sup>34</sup> Augustus, indeed, excluded it from the pomerium,<sup>35</sup> Agrippa even from the suburbs,<sup>36</sup> though we know that there must have been a shrine of Isis on the Capitol at the end of Nero's reign;<sup>37</sup> and noble Romans like Otho participated openly in the cult.<sup>38</sup> But it was not without its vicissitudes. The attention of Tiberius was drawn to a particularly revolting instance of immorality perpetrated under cloak of its rites, and for the time the cult was put down by a strong hand—the temples destroyed, the priests crucified, and the devotees of the goddess banished from Italy.<sup>39</sup> This action, however, no more than the repeated expulsion of Jews from Rome, implied any change of policy towards the religion as such. Not only, indeed, in Rome, but throughout Italy and the provinces numerous inscriptions testify to the wide extent of the cult.<sup>40</sup> Under the Flavian dynasty it was especially favoured. In the reign of Titus the temple was accidentally burnt down, but a new Iseum was built by Domitian,<sup>41</sup> and the remains at Pompeii testify to the extent to which the cult was celebrated in the Italian municipalities. Minucius Felix, writing towards the end of the second century, can say: "Haec tamen Aegyptia quondam sacra nunc et Romana sunt."<sup>42</sup> The history of the

<sup>34</sup> Arnob. ii. 73: "Quid vos, Aegyptiaca numina, quibus Serapis atque Isis est nomen, non post Pisonem et Gabinium consules in numerum vestrorum rettulistis deorum?"

<sup>35</sup> Dio Cass. liii. 2: καὶ τὰ μὲν ἱερὰ τὰ Αἰγύπτια οὐκ ἐσεδέξατο εἶσω τοῦ πωμηρίου.

<sup>36</sup> *Id.* liv. 6: τὰ τε ἱερὰ τὰ Αἰγύπτια ἐπεισιδόντα αὐτοῖς ἐς τὸ ἄστυ ἀνέστελλον· ἀπειπὼν μηδένα μῆδε ἐν τῷ προαστείῳ αὐτὰ ἐντὸς ὁγδόου ἡμισταδίου ποιεῖν.

<sup>37</sup> Tac. *Hist.* iii. 74, and Suet. *Dom.* 1: "Ardente templo [i.e. of Jupiter Capitolinus] apud aedituum clam pernoctavit, ac mane Isiaci celatus habitu interque sacrificulos vanae superstitionis," etc.

<sup>38</sup> Suet. *Oth.* 12: "Sacra etiam Isidis saepe in lintea religiosaque veste propalam celebrasse."

<sup>39</sup> See the account in Joseph. *Ant. Jud.* 18, 3, 4 and cf. Tac. *Ann.* 2, 85.

<sup>40</sup> They are collected by Marquardt, *Staatsverw.* iii. p. 78.

<sup>41</sup> Eutrop. 7, 23.

<sup>42</sup> Min. Felix, *Octav.* 22, 1.



Isis cult reveals clearly enough the fact that in the last century of the republic and throughout the period of the empire the attempt to control Roman citizens in religious matters was to a very large extent given up. The extension of the franchise first throughout Italy, and then to large classes of individuals in the provinces, could hardly fail to impair and undermine the national feeling, on which the continued existence of the national religion as a living force depended.<sup>43</sup> Cults which were allowed to non-citizens in Rome and in the provinces could be forbidden to citizens only by a policy which would have seemed reactionary, and would have proved impracticable. As a matter of fact, therefore, government interference became limited to two kinds of cases —(1) to those in which a strange religion was dangerous to public morality or social order or political security; (2) to those in which the foreign religions did not reciprocate the state toleration with an equal toleration of their own, but were as rigidly exclusive of all worships but their own as the national religion had been in theory in times that were almost prehistoric. With the last of these conditions the Egyptian cults sufficiently complied: the first, as we have seen, led more than once to state action, though not to permanent proscription.

<sup>43</sup> Tert. *Apol.* 6: "Ubi religio, ubi veneratio maioribus debita a vobis? Habitu, victu, instructu, sensu, ipso denique sermone proavis renuntiastis. Laudatis semper antiquitatem et nove de die vivitis."

## The Treatment of Judaism

So far the cases which we have considered have had relation almost exclusively to Rome itself, or, at most, to Rome and Italy. In the provinces Roman citizens were for a long time comparatively few in number, and therefore cases in which the government could have had any sufficient motive for interference with the native religions were altogether exceptional, and, as a matter of fact, these religions met with the most complete toleration both under the republic and under the empire. No doubt this toleration was not unconditional, but it was subject to fewer conditions than in Italy. The supervision of public morality, incomplete or nominal as of necessity it became even in Rome, was hardly attempted in the provinces, and only where such enormities as human sacrifices were involved in a cult, as in that of Saturn in Africa,<sup>1</sup> or as was believed to be the case with Druidism in Gaul,<sup>2</sup> do we hear of any cases of interference with the polytheistic religions

<sup>1</sup> Tert. *Apol.* 9: "Infantes penes Africam Saturno immolabantur palam usque ad proconsulatum Tiberii, qui ipsos sacerdotes in eisdem arboribus templi sui obumbratricibus scelerum votivis crucibus exposuit."

<sup>2</sup> Plin. *H. N.* xxx. 1, 13: "S. C. factum est ne homo immolaretur. . . . Gallias utique possedit, et quidem ad nostram memoriam. Namque Tiberii Caesaris principatus sustulit Druidas eorum et hoc genus vatum medicorumque." Suet. *Claud.* 25: "Druidarum religionem apud Gallos dirae immanitatis et tantum civibus ab Augusto interdictam penitus abolevit [Claudius]." Cf. Strab. iv. 5, p. 198.

of the native races. In the latter case, indeed, Augustus had contented himself with interdicting the worship to Roman citizens, and when Claudius resolved to put down Druidism entirely, it was probably because it seemed to contain within itself in a concentrated form the surviving national feeling of the Gallic tribes, which, in view of the annexation of Britain, might appear a real danger to the peace of the Western provinces.

But a somewhat new problem had to be faced when the empire came into contact with the monotheistic religions of the East—first Judaism, then Christianity—and in treating of the Roman policy towards the Christians it is of the greatest importance to remember that this problem of how to deal with an exclusive, intolerant, monotheistic religion had been before the government for considerably more than fifty years before the existence of Christianity as something distinct, and needing distinct treatment, could by any possibility have been realized.

That there were Jews in Rome under the republic is certain; they were even expelled from the city and from Italy 139 B.C.,<sup>3</sup> apparently on the charge of tainting Roman manners with their cult; and since the time of Pompeius there were large numbers of Jewish freedmen, originally brought over from the East as slaves. But it was in the Oriental provinces rather than in Rome that the government was confronted with the Jewish problem. And for the most part it was a political problem, especially at first.<sup>4</sup> The Jews differed from the other nationalities with which the Romans came into contact in this, that, bound together as they were by the closest national ties, they were neither united by a common political government nor were they all collected within the local boundaries of a single country. On

<sup>3</sup> Val. Max. i. 3, 2: "C. Cornelius Hispalus praetor peregrinus . . . Popillio Laenate M. Calpurnio coss. . . . Iudaeos qui Sabazi Iovis cultu Romanos inficere mores conati erant repetere domus suas coegit."

<sup>4</sup> See on the subject of the Jews in the Roman empire Momm-  
sen's important chapter "Judäa und die Juden," *Röm. Gesch.*  
v. p. 487 foll.

the contrary, Judaea, though the centre, was only the nucleus of the race. The Jewish race was scattered throughout the Oriental provinces ; in almost every one of the great Hellenistic cities which had sprung up since the time of Alexander there was a considerable Jewish population. Usually, perhaps, as in Alexandria, where two out of the five regions of the city were inhabited by Jews, they lived together more or less distinct from the rest of the population ; but, whether in this way or mingled with the other inhabitants, they were to be found in the cities of Syria and Asia, of Cilicia, Pamphylia, Bithynia, and Pontus, in the purely Greek provinces of Macedonia and Achaia, and even in the larger islands of the Aegean.<sup>5</sup> But they were naturally not citizens of the towns in which they resided. To become such they would by the constitutional laws of the empire have ceased to be Jews, and they would have had to submit in all respects to the municipal government of the various cities. This was in their case impossible ; their legal position, therefore, was that of *incolae* or *μέτοικοι*. But while ordinary *incolae*, though no doubt, like the "Berytenses cultores Iovis Heliopolitani qui Puteolis consistunt,"<sup>6</sup> forming associations within the alien cities for purposes of their national worship, were content to merge their other interests, as far as they were allowed by law, in the civic conditions around them, the case was always different with the Jews. Their associations—*συναγωγαί*—no doubt took their place among the other religious associations in the East for foreign or other cults, but they were different, nevertheless, in several important and essential points. That they were exclusive, and even aggressive towards other religions, might attract less attention in Oriental cities, where factions were numerous, and the party feeling and jeal-

<sup>5</sup> Philo, *Leg. ad Caium*, p. 1032 ; Mang. 587. Strab. in Joseph. *Ant. Iud.* xiv. 7, 2 ; Joseph. *Bell. Iud.* ii. 16, 4 ; Acts ii. 5-11. Cf. Seneca, fragm. in August. *Civ. Dei*, vi. 11 : "Cum interim usque eo sceleratissimae gentis consuetudo convaluit, ut per omnes iam terras accepta sit, victi victoribus leges dederunt."

<sup>6</sup> Orell. 1246 = Wilm. 2002.

ousy which sprang from them a standing danger to the public peace ; but there was a close and intimate connexion between the local *συναγωγαί*, or, as they were from this point of view, *πολιτεύματα*,<sup>7</sup> and the centre at once of the religion and the race at Jerusalem, which made this exclusiveness more marked, and might seem to make it more dangerous. Moreover, included under this exceptional religious unity there was a certain political or semi-political unity, involved though hardly expressed, which made the Jewish problem both difficult, ambiguous, and complex to the Roman government.

To the Jews themselves, indeed, this political unity was of altogether secondary importance. They had, indeed, played their part, as a national and political unity, but always with a tendency to recur in some form or other to the theocracy which, according to national traditions, was proper to the race. Hence they had with comparatively little difficulty adapted themselves to the Seleucid *régime*, under which the loss of political independence was compensated by religious freedom,<sup>8</sup> and hence in latter times they were content to accept the position merely of a " *religio licita* " after all national unity had been proscribed. But at the time when the Jews first came within the sphere of Roman politics the national unity still existed, and it was reflected in the claim made by the *συναγωγαί* of the Diaspora to certain semi-political rights, such as jurisdiction over their own members, freedom from tribute, and exemption from service in the army.<sup>9</sup> Such claims joined to their religious fanaticism and their peculiar and exclusive customs, made them often an object of dislike and jealousy in the cities where they settled, and of scorn not unmixed with suspicion to the Roman government.

To Cicero their religion was a " *barbara superstitio*," and Flaccus was, in his opinion, justified in refusing to allow the annual Temple tax to be sent by the Jews of

<sup>7</sup> Cf. the *πολίτευμα τῶν ἐν Βερενίκῃ Ἰουδαίων*, *C. I. Gr.* 5261.

<sup>8</sup> Momms. *Röm. Gesch.* v. p. 487.

<sup>9</sup> Joseph. *Ant. Iud.* xiv. 10.

Asia to Jerusalem.<sup>10</sup> Julius Caesar, however, in regulating the Oriental provinces, partly from general considerations of policy or equity, partly with the view of rewarding the past services and securing the future good faith of Herod, who was in the position of a client-king of Judaea, inaugurated a more favourable policy towards the Jews, and granted them a number of exceptional privileges, some of which were semi-political in their effect, but all had more or less direct reference to the existence of Judaism as a religion. These privileges were defined and embodied in a series of edicts sent at the order of Caesar, or, after his death, of Antonius, by the provincial governors to the various cities in which Jewish *συναγωγαί* existed. The principal concession was the free exercise of their national religion, and the exemption from any duties or services which were irreconcilable with this. They were allowed unimpeded to send the annual Temple tax to Jerusalem; they were excused from appearing in court on the Sabbath; they were exempted from military service; they were formally allowed a certain jurisdiction over their own members,<sup>11</sup> and their *συναγωγαί* were expressly excepted from the edict by which almost all the *collegia* and *θίασοι* were put down, while later on, when the imperial cult was established in the Eastern provinces, the Jews were excused from a compliance which would have contradicted the first principles of their religion.<sup>12</sup> By these

<sup>10</sup> Cic. *pro Flacc.* xxviii. 67: "Quum aurum Iudaeorum nomine quotannis ex Italia et ex omnibus provinciis Hierosolyma exportari soleret, Flaccus sanxit edicto ne ex Asia exportari liceret. Quis est, iudices, qui hoc non vere laudare possit?"

<sup>11</sup> Cf. Acts ix. 2, xxii. 19, xviii. 12-17, xxvi. 11; 2 Cor. xi. 24.

<sup>12</sup> Joseph. *Ant. Iud.* xiv. 10, 6, to the magistrates of Paros: *καὶ γὰρ Γαῖος Καῖσαρ ὁ ἡμέτερος στρατηγὸς καὶ ὑπάτος ἐν τῷ διατάγματι κωλύων θιάσους συνάγεσθαι κατὰ πόλιν μόνους τούτους οὐκ ἐκώλυεν, οὔτε χρήματα συνεισφέρειν οὔτε σύνδειπνα ποιεῖν· ὁμοίως δὲ καὶ γὰρ τοὺς ἄλλους θιασους κωλύων τούτους μόνους ἐπιτρέπω κατὰ τὰ πάτρια ἔθνη καὶ νόμιμα συνάγεσθαι τε καὶ ἵστασθαι.*

*Ibid.* xiv 10, 12, an edict of Dolabella to the Ephesians: *Ἀλέξανδρος πρεσβυτὴς Ἑρκανοῦ ἀρχιέρως καὶ ἐθνάρχου τῶν Ἰουδαίων ἐνεφάνισέ μοι περὶ τοῦ μὴ δύνασθαι στρατεύεσθαι τοὺς πολίτας αὐτοῦ διὰ τὸ μὴτε ὅπλα βαστάζειν δύνασθαι μὴτε ὁδοιορεῖν αὐτοὺς ἐν ταῖς ἡμέραις*



privileges the Jews were placed in an exceptionally favourable position, and this notwithstanding the fact that their religion was distinctly aggressive, and was even a proselytising religion, and that by reason of this aggressiveness they were generally the objects of dislike, suspicion, and even hatred. But on the one hand their existence was a fact with which the empire, in dealing with the Eastern provinces, had to take account, and there were really only two alternatives—to protect them or to put them down—because a neutral policy would have meant perpetual friction and disturbances which no well-ordered government could allow. And there was no sufficient reason for departing from the usual toleration of provincial cults, and putting down a religion which, though not complying with all the normal conditions of toleration, was nevertheless not suspected of being immoral, and which, in spite of proselytising tendencies, seemed to be narrowed down by its strictly national basis so far as to make any dangerous extension of it a remote improbability. Besides, as Mommsen has pointed out with much likelihood, these privileges, though bearing more or less directly on their religious position, were granted primarily to Jews in a political sense, and could not be claimed by, though they might often be allowed to, the proselytes of non-Jewish birth, while conversely national Jews by becoming Roman citizens would lose the right to these special exemptions. The latter case would seldom arise in the provinces, for which these regulations were primarily intended, but it

τῶν σαββάτων, μήτε τρῶφω τῶν πατρῶν καὶ συνήθων κατ' αὐτοὺς εὐπορεῖν. Ἐγὼ τε οὖν αὐτοῖς, καθὼς καὶ οἱ πρὸ ἑμοῦ ἡγεμόνες, δίδωμι τὴν ἀστρατεῖαν καὶ συγχωρῶ χρῆσθαι τοῖς πατρίοις ἐθισμοῖς ἱερῶν ἕνεκα καὶ ἀγλῶν συναγομένοις, καθὼς αὐτοῖς νόμιμον.

*Ibid.* xiv, 10, 17, to the magistrates of Sardis: Ἰουδαῖοι πολῖται ἡμέτεροι προσελθόντες μοι ἐπέδειξαν ἑαυτοὺς σύνοδον ἔχειν ἰδίαν κατὰ τοὺς πατρίους νόμους ἀπ' ἀρχῆς, καὶ τόπον ἰδίον ἐν ᾧ τὰ τε πράγματα καὶ τὰς πρὸς ἀλλήλους ἀντιλογίας κρίνουσι· τοῦτ' τε αἰτησαμένοις ἵν' ἔξη αὐτοῖς ποιεῖν, τηρήσαι καὶ ἐπιτρέψαι ἔκρινα.

See also the decrees of the citizens of Pergamus, Halicarnassus, Sardis and Ephesus: *Ibid.* xiv. 10, 22-25. Cf. Suet. *Caes.* 84, where the Jews especially mourn his death.

might and did often occur in Rome, where a large proportion of the Jews were apparently of the freedman class, and therefore Roman citizens. Partly owing to this cause, and partly to the different conditions in Rome, where the Jewish communities were brought face to face with the central government, they were treated with less favour, or at least there were more exceptions to their entire freedom from interference in Rome than in the provinces. This, however, was not the case under Augustus, who, in spite of his attempts to infuse fresh life into the national or state religion, not only expressly confirmed and renewed all the privileges granted by the dictator to the Jews in the East,<sup>13</sup> but, as Philo expressly says, left the manumitted Jews in Rome in the undisturbed practice of their religion, neither expelling them from the city nor depriving them of their citizenship.<sup>14</sup> He even went so far as to order that when the distribution of corn took place on the Sabbath any Jews entitled to the dole should have their portion reserved till the

<sup>13</sup> Joseph. *Ant. Jud.* xvi. 6, 2 : ἔδοξέ μοι καὶ τῷ ἐμῷ συμβουλίῳ μετὰ ὀρκωμοσίας γνώμῃ δήμου Ῥωμαίων τοὺς Ἰουδαίους χρῆσθαι τοῖς ἰδίῳι θεσμοῖς κατὰ τὸν πατριὸν αὐτῶν νόμον, καθὼς ἐχρῶντο ἐπὶ Ὑρκανοῦ ἀρχιέρως θεοῦ ὑψίστου, τὰ τε ἱερὰ εἶναι ἐν ἀσυνλίᾳ, καὶ ἀναπέμπεσθαι εἰς Ἱεροσόλυμα καὶ ἀποδίδοσθαι αὐτὰ τοῖς ἀποδοχεύουσιν Ἱεροσολύμων, ἔγγινας τε μὴ ὁμολογεῖν αὐτοὺς ἐν σάββασιν.

Philo, *Leg. ad Caium*, p. 1035 ; Mang. 591 : Τὸ μὲν γὰρ πρῶτον ἀπέστειλε τοῖς ἐπιτρόποις τῶν κατὰ τὴν Ἀσίαν ἐπικρατειῶν, πυθομενος ὀλιγωρεῖσθαι τὰς ἱερὰς ἀπαρχάς, ἵνα ἐπιτρέπωσι τοῖς Ἰουδαίοις μόνοις εἰς τὰ συναγωγία συνέρχεσθαι· μὴ γὰρ εἶναι ταῦτα συνόδους ἐκ μέθης καὶ παροιρίας ἐπὶ συστάσει ὥς λυμαίνεσθαι τὰ τῆς εἰρήνης . . . εἶτα κελεύει μηδὲνα ἐμποδῶν ἵστασθαι τοῖς Ἰουδαίοις μήτε συνιούσι μήτε συνεισφέρειν.

<sup>14</sup> *Ibid.* p. 1014 ; Mang. 568 : Τὴν πέραν τοῦ Τιβέρεως ποταμοῦ μεγάλην τῆς Ῥώμης ἀποτομὴν ἦν οὐκ ἡγνόμεν κατεχομένην καὶ οἰκουμένην πρὸς Ἰουδαίων. Ῥωμαῖοι δὲ ἦσαν οἱ πλείους ἀπελευθερωθέντες· αἰχμάλωτοι γὰρ ἀχθέντες εἰς Ἰταλίαν ὑπὸ τῶν κτησαμένων ἠλευθερώθησαν, οὐδὲν τῶν πατρίων παραχαραξαὶ βιασθέντες. Ἦπ στατο οὖν καὶ προσευχὰς ἔχοντας καὶ συνιόντας εἰς αὐτὰς καὶ μάλιστα ταῖς ἱεραῖς ἐβδόμαις, ὅτε δημοσίᾳ τὴν πατριὸν ἐπαιδεύοντο φιλοσοφίαν. Ἦπίστατο καὶ χρήματα συναγαγόντας ἀπὸ τῶν ἀπαρχῶν ἱερὰ, καὶ πέμποντας εἰς Ἱεροσόλυμα διὰ τῶν τὰς θυσίας ἀναξόντων. Ἀλλ' ὁ μὲν οὔτε ἐξῴκισε τῆς Ῥώμης ἐκείνους, οὔτε τὴν Ῥωμαϊκὴν αὐτῶν ἀφείλετο πολιτεῖαν ὅτι καὶ τῆς Ἰουδαϊκῆς ἐφροντίζοντο.

next day.<sup>15</sup> Tiberius<sup>16</sup> and Claudius,<sup>17</sup> while confirming all the Jewish privileges in the provinces, though the latter in his edict to the provincial governors found it necessary to recommend some reciprocal toleration to the Jews, came into a certain amount of collision with the Jews of the capital. In Rome every form of religious innovation tended to take root, and unattractive as the Jewish ritual might seem to be, it was not without its adventitious adherents, especially among women, while it grew to be a fashionable form of dilettanteism to observe certain parts of the Jewish ritual without formally becoming Jews.<sup>18</sup> Possibly this tendency may have considerably increased between the accession of Augustus and the time of Tiberius, while we know that the growth of foreign superstitions was a subject of some anxiety under Claudius.<sup>19</sup> At any rate Tiberius, using as an occasion the fact that a noble Roman lady, a convert to Judaism, had been induced to part with money for the adornment of the Temple in Jerusalem, which was appropriated by certain Jewish adventurers, took decisive measures against the communities in Rome.<sup>20</sup>

<sup>15</sup> Philo, *Leg. ad Caium*, p. 1015 ; Mang. 569.

<sup>16</sup> *Ibid.* p. 1033 ; Mang. 591 : Τί δὲ ὁ ἑτερός σου πάππος Τιβέριος Καῖσαρ ; Ἐν γὰρ τρίσιν καὶ εἴκοσιν ἔτεσιν οἷς αὐτοκράτωρ ἐγένετο, τὴν κατὰ τὸ ἱερὸν ἐκ μηκίστων χρόνων παραδεδομένην θρησκείαν ἐτήρησεν, οὐδὲν αὐτῆς παραλύσας ἢ παρακινήσας μέρος. Cf. also p. 1015 ; Mang. 569.

<sup>17</sup> Joseph. *Ant. Iud.* xix. 5. 3 : Καλῶς οὖν ἔχειν τοῖς Ἰουδαίοις τοῖς ἐν παντὶ τῷ ὕφ' ἡμᾶς κόσμῳ τὰ πάτρια ἔθῃ ἀνεπικωλύτως φυλάσσειν, ἐν οἷς καὶ αὐτοῖς ἤδη νῦν παραγγέλλω μὴ ταύτη τῇ φιλανθρωπίᾳ ἐπικεκότερον χρῆσθαι καὶ μὴ τὰς τῶν ἄλλων ἐθνῶν δεισιδαιμονίας ἐξουθενίζειν, τοὺς ἰδίους δὲ νόμους φυλάσσειν.

<sup>18</sup> Hor. *Sat.* i. 9, 69 ; Ovid, *Ars Am.* i. 415 ; Pers. v. 179 ; Juv. xiv. 97, etc.

<sup>19</sup> Tac. *Ann.* xi. 15.

<sup>20</sup> Tac. *Ann.* ii. 85 : " Actum et de sacris Aegyptiis Iudaicisque pellendis : factumque Patrum consultum, ut quatuor milia libertini generis, ea superstitione infecta, quis idonea aetas, in insulam Sardiniam veherentur, coercendis illic latronibus, et, si ob gravitatem caeli interissent, vile damnum : ceteri cederent Italia, nisi certam ante diem profanos ritus exuissent." Cf. Suet. *Tib.* 36.

Josephus. *Ant. Iud.* xviii. 3, 4, describes the whole affair : Τιβέριος κελεύει πᾶν τὸ Ἰουδαϊκὸν τῆς Ῥώμης ἀπελαθῆναι, κ.τ.λ.

That the religion itself was for the time put down, those who refused to give up their profane rites being banished from Italy, seems clear from the accounts of Suetonius and Tacitus. But it is no less clear that the main brunt of the repression fell upon those who were Roman citizens. Of these no fewer than 4,000 were compulsorily enlisted in the army—since as Roman citizens, and so no longer politically Jews, they lost their right of exemption—and sent to Sardinia to put down the brigandage there. The repression was only temporary: according to Philo, indeed, it was due to the personal influence of Sejanus; <sup>21</sup> and under Claudius the Jews in Rome were again very numerous. Under that emperor we hear again of their expulsion from the city, perhaps in consequence of disputes with the Christians, <sup>22</sup> though Dio Cassius says that, as they were too numerous to be expelled, Claudius simply put in force against them the regulations forbidding unlicensed *collegia*. <sup>23</sup> But whatever form the repression took it was clearly due to some temporary cause. It was getting to be against the spirit of the age to expect that a Jew, from the mere fact of being manumitted, should put off his national religion and conform to the established cult. Tiberius and Claudius may have deemed it advisable for the moment to assert the state's right to such compliance, but in the absence of some distinctly political or social danger the national religion had no longer sufficient hold on the public mind, and was no longer sufficiently the care of the government, to justify any permanent reversal of the Augustan policy, or to place the Jews in a position less favourable than that of the worshippers of Isis.

There was, however, as Mommsen points out, <sup>24</sup>

<sup>21</sup> Philo, *Adv. Flacc.* ad init., and *Leg. ad Caium*, p. 1015; Mang. 569.

<sup>22</sup> Suet. *Claud.* 25: "Iudaeos impulsore Chresto assidue tumultuantes Roma expulit." Cf. Acts xviii. 2.

<sup>23</sup> Dio Cass. lx. 6: τοὺς τε Ἰουδαίους πλεονάσαντας αὐτοῖς, ὥστε χαλεπῶς ἂν ἄνευ ταραχῆς ὑπὸ τοῦ ὄχλου ἴσφῶν τῆς πόλεως εἰρχθῆναι, οὐκ ἐξήλασε μὲν, τῷ δὲ δὴ πατρίῳ νόμῳ βίῳ χρωμένους ἐκέλευσε μὴ συναθροίζεσθαι.

<sup>24</sup> *Röm. Gesch.* v. p. 499.

always a distinction between the Roman policy towards the Jews in the East and in the West. In the former they were a political factor of which account had to be taken ; in the latter they were immigrants to be tolerated at the most, but not encouraged. Nor is it possible to deny that in his policy towards the Jews of the Diaspora Augustus had admitted principles which might, in conceivable circumstances, prove a danger to the empire. The indulgence shown to their rigid monotheism in exempting them from the imperial cult, intended as it was to be a bond of unity in and allegiance to the empire, was in itself, perhaps, from the imperial point of view, a doubtful step ; but the national and political unity, such as it was, granted to this dispersed race, really on the ground of this religious recusancy, was still more in contradiction both to the imperial and municipal policy which the government in other cases adopted. It was the recognition, on however small a scale, of a State within the State. The ill-considered attempt of Caligula to force the imperial cult, contrary to all these expressly granted privileges, first on the synagogues of Alexandria, and finally to place his statue in the central Temple of Jerusalem,<sup>25</sup> proved, to a certain extent, the wisdom of the Augustan policy, to which, as we have seen, Claudius at once reverted ; but the political difficulties were greater, and it is doubtful whether the catastrophe of the Jewish war at the end of Nero's reign could by any possibility have been permanently avoided. Ever since Judaea was made into a province, and the Jews were brought into direct contact with the Roman officials, procurators, military officers, and tax-gatherers, in spite of every wish on the part of the Roman government to avoid causes of collision, these proved less and less able to be avoided. Individual cases of misgovernment on the one hand were met by an increasing tendency on the part of the Jewish authorities to play into the hands of the extreme party, and when the war broke out it was merely the natural consummation of relations which were mutually incompatible.

<sup>25</sup> Philo, *Leg. ad Caium*, p. 1019 ; Mang. 573, etc.



The war had important consequences in several directions. Politically, after the destruction of Jerusalem, the deposition of the high priest, and the dissolution of the Sanhedrim, the Jews ceased to exist. In the eyes of the Roman law they were henceforth "cives nullius certae civitatis—peregrini dediticii"—and an inscription of Hadrian's time rightly describes them as οἱ ποτε Ἰουδαῖοι.<sup>26</sup> But though their political privileges were abolished their religion was still not only tolerated but protected. In fact, as Mommsen says, into the place of the privileged nation there now stepped the privileged confession—the "religio licita"<sup>27</sup> The Jews of the Diaspora remained in their position of μέτοικοι in the Eastern cities, but there was now no sort of political union with any centre of the race. Technically a Jewish community could no longer be described, as before the war, by the terms πολίτευμα, but simply as a συναγωγή, or rather as a collection of συναγωγαί. The Jews in Rome and those in the provinces now stood on exactly the same footing. Their worship was protected by the state from all interference; their συναγωγαί were still exempted from the regulations against *collegia*; their members were no more than before compelled to conform to the imperial cult; their scruples as to the Sabbath were respected; and they were excused from military service. But these privileges were no longer free to all who called themselves Jews, whether by birth or by conversion. Only those were recognised as Jews by the State who were members of one of the συναγωγαί, and who formally entered their names (*profiteri*) as such, and received a licence from the proper official. And for this licence a tax had to be paid. The two drachmae which all Jews had hitherto paid to the Temple at Jerusalem were now to be paid to the temple of Jupiter Capitolinus.<sup>28</sup> So that though the Jews retained their free-

<sup>26</sup> Momms. *Histor. Zeitschr.* lxiv. p. 424. C. I. Gr. 3148.

<sup>27</sup> *Ibid.* p. 425.

<sup>28</sup> Joseph. *B. I.* vii. 6, 6: φόρον δὲ τοῖς ὁπουδήποτε οὖσιν Ἰουδαίοις ἐπέβαλε, δύο δραχμὰς ἑκαστον κελεύσας ἀνὰ πᾶν ἔτος εἰς τὸ Καπετώλιον φέρειν, ὥσπερ πρότερον εἰς τὸν ἐν Ἱεροσολύμοις νεών.

Dio Cass. lxvi. 7: καὶ ἐπ' ἐκείνου δίδραχμον ἐτάχθη τοὺς τὰ πάτρια



dom of worship, it was a "vectigalis libertas." Several ends were gained by this institution. The supremacy and dignity of the national religion were to a certain extent vindicated against the exclusive and haughty monotheism by the tax paid to the centre of Roman worship; a supervision by the licensing of individual members was secured over the συναγωγαί, which made their concession less of a real exception to the imperial policy in this matter than at first sight it seemed to be; while the possibility of checking any dangerous spread of the religion through an access of proselytising zeal was placed always within the power of the government, which also had an easy means of preventing, if it wished, Roman citizens from becoming proselytes. Under this arrangement Jews by birth were not as such bound to pay the tax, but only if they attended the synagogues and were therefore Jews by religion. On the other hand, proselytes, whether Roman citizens or others who had obtained the licence, were entitled to all the religious privileges of the Jews, though apparently both classes might in private, and as long as they were not members of a synagogue, practise Jewish manners ("vita Iudaica") without, by registration, making themselves liable to the tax.<sup>29</sup>

But though the war had not caused any repression of the Jewish religion, which, as Tertullian says, was "certe licita,"<sup>30</sup> it had very strongly increased the feeling of antipathy to the Jews entertained in a less degree even before by the educated classes at Rome. Tacitus is the best representative of this feeling, to which, however, expression is given clearly enough by Juvenal,<sup>31</sup>

αὐτῶν ἔθῃ περιστρελλοντας τῷ Καπιτωλίῳ Διὶ κατ' ἔτος ἀποφέρειν. Suet. *Dom.* 12: "Praeter ceteros Iudaicus fiscus acerbissime actus est, ad quem deferebantur qui vel improfessi Iudaicam viverent vitam, vel dis imulata origine imposita genti tributa non pependissent." Tert. *Apol.* 18: "Sed et Iudaei palam lectitant; vectigalis libertas vulgo aditur sabbatis omnibus." Juv. iii. 15.

<sup>29</sup> So I interpret the passage of Suetonius, *Dom.* 12, cited above.

<sup>30</sup> Tert. *Apol.* 21

<sup>31</sup> Juv. xiv. 100. "Romanas autem soliti contemnere leges, Iudaicum ediscunt et servant ac metuunt ius, tradidit arcano quodcunque volumine Moyses."

Quintilian,<sup>32</sup> and Pliny.<sup>33</sup> According to Tacitus<sup>34</sup> it is a "gens taeterrima"—"proiectissima ad libidinem"—characterised by an "hostile odium" towards all outside its own circle, teaching its converts "contemnere deos, exure patriam, parentes liberos fratres vilia habere." That in spite of this very strong feeling—a feeling which must inevitably have been heightened by the internecine war under Trajan, and by the frightful atrocities perpetrated by the Jews in Cyprus and other places<sup>35</sup>—the toleration extended to the Jews should still have been maintained, so that even so late as the beginning of the third century we find Callistus banished to Sardinia for disturbing a Jewish congregation at Rome,<sup>36</sup> while it is expressly affirmed in the Theodosian Code, "Iudaeorum sectam nulla lege prohibitam satis constat,"<sup>37</sup> is a sufficiently remarkable circumstance, and would seem, at any rate, to justify the general assertion that in religious matters the Roman government was both forbearing and tolerant.

But before we pass on to consider its dealings with the second monotheistic religion with which it came into contact—Christianity—it will, perhaps, be well just to sum up the limitations to this toleration which we have seen to constitute its practical or working policy towards foreign cults. In the first place, then, putting on one side the received cults which thus became parts of the

<sup>32</sup> Quint. *Instit. Or.* iii. 7, 21: "Est et conditoribus urbium infame contraxisse aliquam perniciosam ceteris gentem, qualis est primus Iudaicae superstitionis auctor."

<sup>33</sup> Plin. *H. N.* xiii. 4: "Gens contumelia numinum insignis."

<sup>34</sup> Tac. *Hist.* v. 2-5: "Profana illic omnia quae apud nos sacra: rursum concessa apud illos quae nobis incesta. . . . Cetera instituta sinistra foeda pravitae valere. Nam pessimus quisque spretis religionibus patriis tributa et stipes illuc gerebant: unde auctae Iudaeorum res, et quia apud ipsos fides obstinata, misericordia in promptu, sed adversus alios omnes hostile odium. . . . Transgressi in morem eorum idem usurpant, nec quidquam prius imbuuntur quam contemnere deos, exure patriam, parentes liberos fratres vilia habere."

<sup>35</sup> Euseb. *H. E.* iv. 2; Dio Cass. lxxviii. 32; Oros. vii. 12.

<sup>36</sup> Hippolytus *Philosoph.* ix. 12.

<sup>37</sup> *Cod. Theod.* xvi. 8, 9.

national worship, foreign religions were tolerated in so far as they did not injure the national and established worship. Strictly, and at first, this would mean that aliens but not Roman citizens might participate in them. But a rigid enforcement of this principle was practically impossible and it became so far modified as to permit Roman citizens to participate in these cults in so far as they were not thereby prevented from showing due honour to the national gods—in other words, in so far as the toleration was reciprocal. In the course of time, and under the empire—or, as Mommsen puts it, “unter dem die alten Ordnungen verflachenden und zerrüt-tenden Regiment der Cäsaren und ihrer Beamten”—even this condition was in certain cases overlooked, and no doubt many Roman citizens were Jews or even Christians without drawing down upon themselves, in fact, any State interference. If the question had been a purely religious one the government policy would have been summed up in what has been said. But it was not. It was a characteristic of many of the immigrant religions, especially of those of an Oriental origin, to foster and encourage gross immoralities. No doubt in this connexion any line drawn between what might be permitted and what not was an arbitrary one, but still the existence of such a line was always tacitly recognised, not only in the policy of the government, but even, if we may use such a term of such times, in the moral sense of the community; and, as we have seen, the government occasionally, sometimes with, sometimes without the support of popular feeling, took decisive action and put down a cult on the score of its immorality. More important still was the potential interference of the government with foreign religions from political considerations. Long after religious belief had practically disappeared, the national religion was upheld as the emblem or symbol of the political supremacy of Rome. It is of little importance for the present question whether we look to Rome or Italy with their sphere of state-recognised deities whose cults were under the ultimate superintendence of the pontifex maximus—who himself,

under the empire, was always the executive head of the state—or to the provinces, where, by the institution of Augustus, the imperial cult—the worship of “Rome and Augustus”—was to provide some kind of religious unity for the empire, as the representation and symbol of its political cohesion.<sup>38</sup> In the one case as in the other, viewed in its severest light, religious recusancy was tantamount potentially to political disaffection. Not by any means that in all cases it was actually so regarded. That would depend on a number of circumstances, collective and individual, local and imperial. Sometimes opposite considerations might have to be balanced against one another, as, e.g. when it seemed a smaller political danger to condone and even to sanction the religious recusancy of the Jews—which, based as it was on the narrow limits of an obscure nationality, seemed incapable of any appreciable development—rather than to risk a general conflagration of religion and national hatred in all the great cities of the East by interfering with the religious freedom and its semi-political consequences among the scattered but important Jewish communities. But because an aggressive and morose monotheism, resting on a narrow national basis, was tolerated by the government, all the circumstances of the case being taken into account, it by no means necessarily followed that an aggressive monotheism, equally exclusive and equally indifferent to the political obedience which was implied in religious conformity, and at the same time claiming to overstep all limits of nationality, and without disguise aiming at a universality which the Roman empire was prevented by the history of all its institutions from conceiving apart from political consequences—it by no means followed that such a religion would receive the same treatment from the state.

<sup>38</sup> See an article in the *English Historical Review*, No. 18, on the Provincial Concilia,” p. 226 foll.

### III

## First Appearance of Christianity in the Eastern Provinces

HISTORICALLY Christianity originated as an offshoot from Judaism, and it is probably an undisputed fact that to all outside the Jewish communities, perhaps at first even to the Jews themselves outside Judaea, Christianity was regarded merely as a Jewish sect. It is no less certain that the first spread of Christianity was aided and conditioned by the extent and number of the Jewish communities scattered over the provinces of Syria and Asia Minor. That the earliest converts in Jerusalem, rising with extreme rapidity from 120<sup>1</sup> to 3,000,<sup>2</sup> and then to 5,000<sup>3</sup>—the large number being accounted for by the fact that multitudes of Jews from all parts of the empire happened to be at Jerusalem for the feast of Pentecost<sup>4</sup>—still continued to worship in the Temple is expressly attested.<sup>5</sup> The fact that Stephen was brought before the Sanhedrim<sup>6</sup> proves that in the eyes of that body he was a recusant Jew, over whom, therefore, they had the right of jurisdiction, while the certainly illegal action of putting him to death could only have been overlooked by the Roman government because they regarded it as one of those regrettable incidents which the internal animosities among the Jews sometimes occasioned, and at which it was better to connive

<sup>1</sup> Acts i. 15.

<sup>2</sup> Acts ii. 41.

<sup>3</sup> Acts iv. 4.

<sup>4</sup> Acts ii. 5-11.

<sup>5</sup> Acts. ii 46.

<sup>6</sup> Acts vii. 12

than to interfere with. The persecution, a purely Jewish one, which followed was the first means of spreading the new sect through the cities of Judaea and Samaria,<sup>7</sup> and then to such places as Damascus,<sup>8</sup> Cyprus, and Antioch<sup>9</sup>—all places where there were large Jewish communities, and in which it is expressly stated that the refugees “spake the word to none save to the Jews only.”<sup>10</sup> So, too, a few years later, when through the missionary activity of Paul, the new religion—for such it was gradually becoming—spread north and west of the Taurus range, it was to the Jews first that Paul invariably announced the message that he had to bring. This was the case at Salamis in Cyprus,<sup>11</sup> at Antioch in Pisidia,<sup>12</sup> at Iconium,<sup>13</sup> at Philippi,<sup>14</sup> at Thessalonica,<sup>15</sup> at Beroea,<sup>16</sup> at Ephesus,<sup>17</sup> and no doubt at all the other cities where he preached. But though many Jews became converts to the “new way” it had been from the first discountenanced and even proscribed by the central authorities at Jerusalem.<sup>18</sup> Just as Saul was sent by the high priest with letters to the synagogues of Damascus against the Christians,<sup>19</sup> so no doubt there were emissaries to the various cities of the Diaspora. At Antioch in Pisidia the Jews were so hostile that Paul at this early stage of his missionary journey declared his intention of turning to the Gentiles.<sup>20</sup> They were driven out of Iconium by the Jewish faction,<sup>21</sup> who, together with the Jews of Antioch, followed the missionaries to Lystra, causing them to be stoned there and left for dead,<sup>22</sup> while in subsequent journeys similar treatment was experienced from the Jews of Thessalonica<sup>23</sup> and Corinth.<sup>24</sup> That the Christians were subject to persecution during the early growth of the religion is indisputable, but the persecution would seem to have been

<sup>7</sup> Acts viii. 1.<sup>8</sup> Acts ix. 1.<sup>9</sup> Acts xi. 19.<sup>10</sup> μηδενι λαλουντες τον λογον ει μη μονον 'Ιουδαιois, xi. 19.<sup>11</sup> Acts xiii. 5.<sup>12</sup> Acts xiii. 14.<sup>13</sup> Acts xiv. 1.<sup>14</sup> Acts xvi. 13.<sup>15</sup> Acts xvii. 1.<sup>16</sup> Acts xvii. 10.<sup>17</sup> Acts xviii. 19 and xix. 8.<sup>18</sup> Acts iv. 18 and v. 28.<sup>19</sup> Acts ix. 2.<sup>20</sup> Acts xiii. 47.<sup>21</sup> Acts xiv. 5.<sup>22</sup> Acts xiv. 19.<sup>23</sup> Acts xvii. 5.<sup>24</sup> Acts xviii. 12.



neither systematic nor continuous, and to have fallen mainly not on the ordinary members of the new brotherhood, whether Jews or Gentiles, but on the apostles and leaders, who went about from place to place, unsettling existing conditions<sup>25</sup> and undermining the binding force of the Jewish law.<sup>26</sup> Above all, the persecution came at this period exclusively from the Jews.<sup>27</sup> Indeed, the Roman government, in so far as it was brought into contact with the Christians at all, acted rather as a protecting and moderating influence, either by preventing violence and outrage,<sup>28</sup> or, when accusations were brought by the Jews before the imperial tribunals, by altogether refusing to abet or assist the religious bigotry of the Jews, or to interfere in their sectarian differences. This was the course taken at once and brusquely by Junius Gallio, the proconsul of Achaia,<sup>29</sup> and it was practically also adopted, though with greater patience and a greater semblance of interest and judicial investigation, by Antonius Felix,<sup>30</sup> and afterwards by Porcius Festus,<sup>31</sup> procurators of Judaea, to whom the whole question seemed to turn on *ζητήματά τινα περὶ τῆς ἰδίας δεισιδαιμονίας*,<sup>32</sup> and who would have dismissed the Jewish charges altogether had not Paul claimed as a Roman citizen to be tried before the emperor.<sup>33</sup> But though the government officials, so far as all our evidence goes, were agreed in taking this view of the case, and regarded the Christians as an extreme sect of the Jews—so much so that Claudius Lysias suspected that Paul was a leader of the Sicarii,<sup>34</sup> and Tertullus, the Jews' own advocate designated him as *πρωτοστάτης τῆς τῶν Ναζαραίων αἵρέσεως*<sup>35</sup>—it seems to be pretty clear that the term

<sup>25</sup> Acts xvii. 6 : *τὴν οἰκουμένην ἀναστατώσαντες.*

<sup>26</sup> Acts xviii. 13 : *παρὰ τὸν νόμον ἀναπείθει οὗτος τοὺς ἀνθρώπους σέβεσθαι τὸν θεόν.* Cf. xxiv. 5.

<sup>27</sup> Cf. for instances of Jewish hostility Acts vii. 58, viii. 3, xi. 14, xvii. 7 and 13, xviii. 13, xxi. 28, xxiv. 5, xxv. 8, xxvi. 10.

<sup>28</sup> Acts xxi. 31, 32.

<sup>29</sup> Acts xviii. 14–15 : *εἰ μὲν ἦν ἀδίκημά τι ἢ ῥαδιούργημα πονηρὸν, ἃ Ἰουδαῖοι, κατὰ λόγον ἂν κατεσχόμεν ὑμῶν · εἰ δὲ ζητήματά ἐστι περὶ λόγου καὶ ὀνομάτων καὶ νόμου τοῦ καθ' ὑμᾶς, ὤψεσθε αὐτοί.*

<sup>30</sup> Acts xxiv. 1–27. <sup>31</sup> Acts xxv. 14 foll.

<sup>32</sup> Acts xxv. 19.

<sup>33</sup> Acts xxvi. 32.

<sup>34</sup> Acts xxi. 38.

<sup>35</sup> Acts xxiv. 5.

"Christians," the derisive *sobriquet* first attached to the new sect by the flippant wit of the Greek populace of Antioch about 48 A.D.,<sup>36</sup> disowned and ignored at first by the Christians themselves,<sup>37</sup> and not adopted by the Jews,<sup>38</sup> was nevertheless becoming familiar to the population of the Eastern provinces, and probably to the Roman officials there.<sup>39</sup> Connected too, with this, and in the end far more important, was the fact that the Jews continued the policy which they had begun in the case of Jesus himself before Pontius Pilate, of mingling with their own complaints more or less outspoken accusations of disloyalty on the part of the Christians to the Roman government. This in the case of Paul comes out only indirectly. Thus Paul says, clearly in answer to charges made, Οὔτε εἰς τὸν νόμον τῶν Ἰουδαίων οὔτε εἰς τὸ ἱερὸν οὔτε εἰς Καίσαρά τι ἥμαρτον,<sup>40</sup> while the very fact of his being sent to Rome precludes us from supposing that petty violations of Jewish ritual were the only charges made, though the procurator was clear-sighted enough to see that this was the real point, and to attach no value to the others.

At Thessalonica, however, we have definite evidence that political charges were made, not, indeed, in this case before the government officials, but before the municipal magistrates. Οὗτοι πάντες ἀπέναντι τῶν δογμάτων Καίσαρος πράσσουσιν, βασιλέα ἕτερον λέγοντες εἶναι Ἰησοῦν.<sup>41</sup> Nor can there be any reasonable doubt that the same thing took place in other cities, where the Jews were at once indignant at the rise of the new αἵρεσις and jealous of the extension of its membership to the heathen? If this was so, we can well understand that, though the Christians were still, and would be for years to come, taken by the Roman officials for a Jewish sect and as such protected from riotous behaviour on the

<sup>36</sup> Acts xi. 26 : ἐγένετο . . . χρηματίσαι πρῶτως ἐν Ἀντιοχείᾳ τοὺς μαθητὰς Χριστιανούς.

<sup>37</sup> Notice how Paul ignores it, Acts xxvi. 29.

<sup>38</sup> To the Jews the Christians were Ναζαραῖοι, Acts xxiv. 5.

<sup>39</sup> It was used in the presence of Festus, Acts xxvi. 28.

<sup>40</sup> Acts xxv. 8.

<sup>41</sup> Acts xvii. 7.

part of their co-religionists and privileged in their own religious worship, yet the way was being prepared more and more for the thorough discrimination between them, which, whenever it began, was, as all agree, an accomplished fact at the beginning of the second century. What of course naturally aided this discrimination was the really wider line of separation which, apart from any views on the subject, either by Jews or Romans, gradually came to mark off the Christians from the Jewish bodies. If the earliest members of the Christian communities were probably in almost all cases Jewish, it is no less true that at a very early date the tendency of Christianity to sever itself from all national limitation was begun. At Antioch in Pisidia Paul announced his intention of turning to the Gentiles <sup>42</sup>—a declaration made still more emphatically in Macedonia,<sup>43</sup> and before long the Gentile Christians became, there is no doubt, the preponderating elements in all the Christian Churches both in the East and in the West. At first, indeed, the heathen, and especially the Greek population, were far from hostile to the new religion. If the Jewish monotheism, morose, and in certain aspects repellent, as it seemed, nevertheless attracted numerous proselytes from the Hellenistic cities,<sup>44</sup> Christianity, with its wider appeals to humanity, was even more likely to do this. Professor Ramsay with perfect justification emphasises the point that Paul, almost from the first, clearly conceived of Christianity as the universal religion, the limits of which were to be co-extensive with the Roman empire, and that it was with this idea in his mind that he chose out, especially in his missionary journeys, the centres not only of Greek civilisation, but of the Roman organisation and government.<sup>45</sup> That he did do this, from whatever motive, is indisputable, and amid the

<sup>42</sup> Acts xiii. 47.

<sup>43</sup> Acts xviii. 6 : τὸ αἷμα ὑμῶν ἐπὶ τὴν κεφαλὴν ὑμῶν· καθαρὸς ἐγώ· ἀπὸ τοῦ νῦν εἰς τὰ ἔθνη πορεύσομαι.

<sup>44</sup> Tacitus, *Hist.* v. 5 : " Nam pessimus quisque spretis religionibus patriis tributa et stipes illuc gerebant.

<sup>45</sup> *The Church in the Roman Empire*, pp. 56, 57. Cf. also p. 147.

general decay of the old religions the missionaries of the new found the masses not altogether indisposed to give them a favourable hearing, whilst even the more educated classes, though seldom converts, regarded them at any rate at first with no stronger feeling than a somewhat sceptical curiosity.

But this favourable or neutral attitude was not destined to be permanent; by the beginning of the second century it had generally given way to an intense and often violent hatred, and the change, whenever it came about—and it probably came about gradually—was due to several causes, the beginnings of some of which we are able to trace at this earlier period and in our chief authority for it—the Acts of the Apostles.

That the unpopularity of the Christians was caused by purely religious animosities is of all suppositions the least likely. As Professor Ramsay says, "the ordinary pagan did not care two straws whether his neighbour worshipped twenty gods or twenty-one."<sup>46</sup> But Christianity constituted a social revolution even more than a religious one, or rather its social (to received ideas they seemed anti-social) effects were far more patent and striking than the religious ideas which produced them. And it was this divergence from the social life in its widest sense around them, often amounting to an aggressive interference with the established conditions of society, with trade interests, with family life, with popular amusements, with everyday religious observances, with the lax but conventional morality of the time, which gave to Christianity an appearance of misanthropy, of an *odium generis humani*, which in time was more than repaid by the general execration of paganism. It is important to look, if we can, at the early Christians from the heathen point of view, and above all to avoid any idealisation of the primitive communities. We may grant at once that in matters of morality, and especially in the relations of the sexes, the Christians were far superior to the populations in

<sup>46</sup> *Op. cit.* p. 130.

whose midst they lived. But it would be a mistake to suppose that it was the loftier elements of Christianity which most strongly attracted converts, or that conversion introduced them necessarily into a higher plane of life or enlightenment. To a great extent it was the tendency to level distinctions of property or differences of social life, the hopes it held out of a shortly coming Saviour, and the idea of a future beyond the grave, in which compensation would be made for the inequalities of the present—which drew the lower classes to Christianity. We cannot judge of the ordinary Christian of Corinth or Antioch, or Ephesus, or Rome, from the leaders and teachers of the sect. The Christians of the Eastern provinces shared the characteristics of the Oriental population ; they were not less fanatical or less ignorant, or less excitable, or less credulous. In the eyes of their fellow-citizens there was nothing about them to justify what seemed the extravagant claims they made on behalf of their religion. They were fanatical, exclusive, and intolerant, and for a religion which, so to speak, to Gentile eyes had nothing to show for itself, no stately temples, no famous shrines, no imposing priesthood, no impressive ceremonial.

But it was not so much as religious enthusiasts that the Christians attracted popular attention. Their fanaticism took certain apparently anti-social forms, which, there can be little doubt, made them the Nihilists of the day. In the first place the very belief—and in the first century it was a vivid one—of the approaching end of the world and the second coming of Christ involved a restless expectation and in some respects a recklessness of action which were quite inconsistent with the ordinary duties, domestic, social, or political, of an orderly subject of the empire. Then, again, the communistic ideas of the sect must have interfered, often in a very exasperating way, with social and family relations. The mere fact that members of a family were induced to leave their relations, to desert the religion of their fathers and to join these enthusiasts, was in itself enough to cause heart-burning and rancour ; but to see



part of the family property appropriated to the common Christian funds must greatly have embittered these feelings, and inspired the moneyed classes of society at any rate with hatred and apprehension. Again, there was a manifest disinclination on the part of the Christians to marriage and the duties and obligations of married life. This in connexion with the comparatively large number of female converts must often have led to episodes like that in the history of Paul and Thékla, where a maiden of good social standing is induced to refuse the marriage arranged by her parents. Nor did cases of this kind appear accidental and occasional: they rather followed from the maxims of the Founder of the sect—maxims which, imperfectly understood, and obeyed in the letter rather than the spirit, were no doubt constantly in the mouths of His followers. “It is easier for a camel to pass through the eye of a needle than for a rich man to enter into the kingdom of heaven.” “Think not that I am come to give peace on the earth. I tell you nay, but rather division.” “If any man cometh unto me and hateth not his father and mother, and wife and children and brother . . . he cannot be my disciple.” “The sons of this world marry and are given in marriage, but they that are accounted worthy to attain unto that world and the resurrection from the dead neither marry nor are given in marriage.” These and other “hard sayings” put into practice without discrimination or qualification were tantamount, so far as they extended, to an upheaval of existing social relations, and might well seem to lay the Christians open to the charge of turning the world upside down.

Only less intolerable than this disregard of the primary rights and obligations of social and family life was the absolute refusal of the Christians to join in any religious festival, to appear in the courts where an oath had to be taken, to illuminate their doors at festivals, to join in the amusements of the amphitheatre; their unwillingness, if not refusal, to serve in the army, and their aversion to all civic duties and offices. It was this apparently “hostile odium” towards all outsiders which



had made the Jews so generally unpopular as they were, and in explaining the hatred felt for the Christians we must remember that, as Mommsen says, “*der Hass der Massen von den Juden auf die Christen sich übertrug.*”<sup>47</sup> The Christians to a certain extent, apart from any characteristics of their own, inherited, as a Jewish sect or *αἵρεσις*, the aversion with which the Jews were regarded. As has, however, already been said, the intense animosity of the second century was only of gradual growth, and it no doubt grew with the growth of Christianity. Things quite unimportant, when the communities were small and insignificant, would be looked at with very different eyes as the number of converts increased. In the Acts there are only two instances recorded in which there was any manifestation of popular feeling against the Christians on the part of the heathen, and in both cases the reason was the same—interference with trade relations, pecuniary loss or the fear of it from the existence of Christianity. At Philippi the occasion of the tumult was a trivial one: the sympathy of the crowd with a few individuals whose hope of gain from the prophecies of a mad soothsayer was disappointed by Paul’s action in healing her. Naturally the accusation before the *duoviri* of the *colonia* took a somewhat different form, viz. that the apostles were setting forth customs which it was not lawful for Roman citizens to receive;<sup>48</sup> but that the magistrates did not treat this accusation seriously and only took action at all to appease the mob is clear from their order to release the prisoners without further formality next morning. The affair at Ephesus is a better instance still. Here the workmen who made the silver shrines presented by her worshippers to Artemis, instigated by Demetrius, the head of their guild, took fright at the increasing number of the Christians, not only in Ephesus but throughout the province of Asia,

<sup>47</sup> *Histor. Zeitschr.* p. 418. Cf. *Expositor*, July 1893, p. 2.

<sup>48</sup> Acts xvi. 20: καὶ προσαγαγόντες αὐτοὺς τοῖς στρατηγοῖς εἶπον, Οὗτοι οἱ ἄνθρωποι ἐκταράσσουν ἡμῶν τὴν πόλιν Ἰουδαῖοι ὑπάρχοντες, καὶ καταγγέλλουσιν ἔθνη ἃ οὐκ ἔξεστιν ἡμῖν παραδέχεσθαι οὐδὲ ποιεῖν Ῥωμαίοις οὖσιν.

which threatened, by interfering with the worship of the goddess, to injure their trade.<sup>49</sup> The matter was not on this occasion brought before either the municipal or the state authorities, but the whole incident is very significant of what might soon be expected to occur on a larger scale, the attitude of the craftsmen at Ephesus being an anticipation of what, as we shall see, Pliny probably found in Bithynia sixty years later. It is noticeable too, that the charge of atheism, though not insisted on, is implied in the words of Demetrius—ὁ Παῦλος οὗτος λέγει ὅτι οὐκ εἰσὶν θεοὶ οἱ διὰ χειρῶν γιγνόμενοι—though it is clear from verse 37 that the Christians were not as yet generally regarded as *sacrilegi* or blasphemers of the national cults.<sup>50</sup> At the same time the social hatred, as it grew, was almost certain in time either to support itself by, or actually to develop into, a religious hatred.

But the apparent interference of the Christians with social relations was not confined to matters of trade or commercial gain. Family life was affected by it: it is almost certain that a large proportion of the earliest converts were slaves, and as these endeavoured to convert other members of the household, dissensions and divisions would arise in numerous families, and Christianity would seem a dividing and disintegrating element,<sup>51</sup> dangerous to social stability. Added to these particular causes of unpopularity there was the general tendency of Christianity to separate itself from the ordinary concerns of life.<sup>52</sup> To a certain extent the communistic tendencies of Christianity would naturally lead to this result; still more, perhaps, the confident

<sup>49</sup> Acts xix. 23 foll

<sup>50</sup> Acts xix. 37: ἡγάγετε γὰρ τοὺς ἄνδρας τούτους οὔτε ἱεροσύλους οὔτε βλασφημοῦντας τὴν θεὸν ἡμῶν.

<sup>51</sup> Luke xxi. 16.

<sup>52</sup> Tertullian enumerates many things which were impossible for a conscientious Christian, as involving idolatry: e.g. oath usual at contracts; the illumination of doors at festivals, etc.; all Pagan religious ceremonies; the games and the circus; the profession of teaching secular literature; military service; public offices. *De Idol.* 17: *De cor. mil.* i. 15.

expectation of the earliest converts that the end of the world was approaching. At any rate the opposition between the Church and the world was perhaps at no time more marked than during the first century; it existed long before the opposition of Church and State had formulated itself. The Christians were strangers and pilgrims in the world around them; <sup>53</sup> their citizenship was in heaven; <sup>54</sup> the kingdom to which they looked was not of this world. <sup>55</sup> The consequent want of interest in public affairs came thus from the outset to be a noticeable feature in Christianity. The Christians were, in the words of Tertullian, "infructuosi in negotiis," <sup>56</sup> and on this ground alone, in cities, where individuals were so closely bound up in the state, they became natural objects of suspicion to their fellow citizens. The avoidance of the numerous religious festivals, the refusal to take part in the amusements of the circus or the amphitheatre, indifference to civic honours, probably in many cases reluctance to serve in the army—all these things seemed to mark the Christians out as haters of their kind. And if they refused to participate in ordinary religious observances, they had what seemed a secret worship of their own: their meetings, not in synagogues, like those of the Jews, but in private houses, had probably a certain air of mystery, and this mystery was certain to lead to rumours as to what went on; and in a state of society like that in the Oriental cities it was almost certain that anything like a secret worship would be credited with immoralities of a more or less grave

<sup>53</sup> Tert. *Apol.* i. : "Scit se peregrinam in terris agere, inter extraneos facile inimicos invenire, ceterum genus, sedem, spem, gratiam, dignitatem in caelis habere." 41 : "Nihil nostra refert in hoc aevo nisi de eo quam celeriter excedere." *Epist. ad Diognet.* 5, § 5 : πᾶσα ξένη πατρίς ἐστὶν αὐτῶν καὶ πᾶσα πατρίς ξένη. § 9 : ἐπὶ γῆς διατρίβουσιν, ἀλλ' ἐν οὐρανῷ πολιτεύονται. Cf. Hebrews xi. 13, 1 Pet. ii. 11.

<sup>54</sup> Philipp. iii. 20.

<sup>55</sup> Cf. Justin. *Apol.* i. 11 : καὶ ὑμεῖς ἀκούσαντες βασιλεῖαν προσδοκῶντας ἡμᾶς ἀκρίτως ἀνθρώπινον λέγειν ὑπειλήφατε, ἡμῶν τὴν μετὰ θεοῦ λεγόντων.

<sup>56</sup> Tert. *Apol.* 42 ad init.

description. At exactly what date the suspicions arose that children were sacrificed and eaten at the Christian rites, and that incestuous orgies were permitted, is uncertain. If, however, as seems not unlikely, they arose through the malevolent stories of the Jews, the date was probably an early one, and, as we shall see later on, these stories had apparently reached Rome before 64 A.D.<sup>57</sup>

So far, therefore, as the New Testament narrative carries us, we find that Christian communities had been founded in most of the centres of civilization in the East, and in the principal towns of Macedonia and Achaia; that, starting from a Jewish nucleus, they had in most cases, in the course of a few years, a preponderance of heathen converts; that the Jews looked on them with the bitterest animosity, persecuted them as far as they had the means, and lost no opportunity of appealing to the Roman government against them; that the Roman officials were rather inclined to protect them than otherwise, at first looking upon them as an extreme sect of the Jews, but of necessity realizing by degrees, both from the hostility of the Jews and from the increasing prevalence of the Greek nick-name *Χριστιανοί*, that it was rather a new religion than an extreme sect; that the heathen population, while listening not altogether unfavourably or without interest to the religious teaching of the Christian missionaries, came in the course of time to be suspicious of Christianity on social and commercial grounds; and finally that this suspicion, fomented probably by Jewish malevolence, hardened little by little into the bitter hatred of which we have abundant evidence in the second century.

<sup>57</sup> Cf. 1 Pet. ii. 12. As to the Jewish origin of the stories, see Justin. *Dial. cum Tryph.* c. 16, c. 47, c. 96, c. 108, c. 117. Orig. *contr. Cels.* vi. 27

## IV

### Christianity in Rome under Nero

UP to this point we have found no direct collision between the Christians and the Roman government, and the first case of the kind took place in Rome,<sup>1</sup> and is narrated—unfortunately, not with all the clearness that we could wish—by Tacitus. As that historian remarks, in words which he thought appropriate to the Christians, Rome was the place “quo cuncta undique atrociora aut pudenda confluunt celebranturque;” and with its strangely mixed population, and especially the great influx of Orientals, it was hardly possible that any religion at all widely spread in the East could fail to find its way into Rome, or, having found its way there, to spread at any rate among the lower classes. That the Jewish population there was large we have already seen, though this fact would by no means by itself prove the existence of a Christian community also. Where the apostles or their immediate associates themselves introduced Christianity into a city, it was, as all the evidence tends to show, to the Jews that they first appealed, so that the nucleus of the Asiatic Churches was at the outset Judæo-Christian, though the number of heathen converts very soon in almost all cases preponderated, causing at first modification of the strict Jewish observances,<sup>2</sup> and no

<sup>1</sup> The transition at this point from Jewish to Roman persecution is noted by Tertullian, *Apol.* 21: “Discipuli quoque diffusi per orbem. . . a Judæis insequentibus multa perpassi . . . Romæ postremo per saevitiam Neronis sanguinem Christianum seminaverunt.”

<sup>2</sup> Acts xv. 18: διὸ ἐγὼ κρίνω μὴ παρενοχλεῖν τοῖς ἀπὸ τῶν ἐθνῶν

doubt gradually almost complete emancipation from them. But in a city like Rome, where a Christian community was founded before the visit of any leader of the sect, the earliest Christians were far more likely to have been heathen converts, immigrants perhaps from some of the Asiatic cities, who would extend the sect in Rome among men of the same class with themselves. This is to a certain extent an *a priori* argument, but it is confirmed by other considerations on which it is not unimportant to dwell. Paul wrote his Epistle to the Roman Church from Corinth in 58 A.D. Putting on one side the question, as too wide to be discussed here, whether the general drift of the epistle is more appropriate to Jewish or heathen Christians,<sup>3</sup> there are several passages which seem to make the latter supposition almost necessary. Δ' οὗ ἐλάβομεν χάριν καὶ ἀποστολὴν εἰς ὑπακοὴν πίστεως ἐν πᾶσι τοῖς ἔθνεσιν ὑπὲρ τοῦ ὀνόματος αὐτοῦ. ἐν οἷς ἐστὲ καὶ ὑμεῖς κλητοὶ Ἰησοῦ Χριστοῦ.<sup>4</sup> Again: ἵνα τινὰ καρπὸν σχῶ καὶ ἐν ὑμῖν καθὼς καὶ ἐν τοῖς λοιποῖς ἔθνεσιν:<sup>5</sup> and ὑμῖν δὲ λέγω τοῖς ἔθνεσιν.<sup>6</sup> So too the salutations in cap. xvi. 3-16 are clearly almost all of them addressed to Gentile Christians, many of the names, as Lightfoot has pointed out, being found in Roman inscriptions.<sup>7</sup> To this it must be added that the Jewish leaders on Paul's arrival at Rome show no sign of sharing in the hostile feelings shown by the Jews towards Christianity in those places where it was regarded as a secession from Judaism, professing, indeed, to have no personal knowledge of the sect, and only to have heard generally that it was everywhere spoken against.<sup>8</sup> Nor is it unimportant in this connexion to observe that, if we are to believe Tacitus and Suetonius, neither the Roman

ἐπιστρέφουσιν ἐπὶ τὸν θεόν, ἀλλὰ ἐπιστεῖλαι αὐτοῖς τοῦ ἀπέχεσθαι τῶν ἀλισγημάτων τῶν εἰδώλων καὶ τῆς πορνείας καὶ πνικτοῦ καὶ τοῦ αἵματος.

<sup>3</sup> See an article on the question in the *Jahrbücher für deutsche Theol.* 1876, pp. 482-310, "Ueber die älteste römische Christengemeinde," by C. Weizsäcker.

<sup>4</sup> Rom. i. 5, 6.

<sup>5</sup> Rom. i. 13.

<sup>6</sup> Rom. xi. 13. Cf. also xv. 15.

<sup>7</sup> Lightfoot, *Philippians*, p. 171 foll.

<sup>8</sup> Acts xxviii. 21-22.



government nor the Roman populace regarded the Christians as a Jewish sect, and that they were described, not as Nazaraeans—the name by which they were known to the Jews<sup>9</sup>—but as *Christiani*, the nickname conferred by the Hellenistic heathen in the East.

The earliest intimation of a Christian community in Rome is thought to be contained in an obscure passage of Suetonius:<sup>10</sup> “*Iudaeos impulsore Chresto assidue tumultuantes Roma expulit.*” This has generally been taken to mean that there were riots between the Christians and the Jews similar to those recorded in the Acts, and that the government, regarding the whole matter as a Jewish disturbance, took the measure of temporary expulsion as a police precaution. One can only say that no such meaning can legitimately be drawn from the words “*impulsore Chresto*,” and that the reference to the expulsion in the Acts<sup>11</sup> does not in any way bear it out, while the words of Dio Cassius<sup>12</sup> imply that the measure was taken rather to check the Jewish worship than to put down a riot.

In 57 A.D. we apparently have an isolated case of a noble Roman lady, Pomponia Graecina, becoming at Rome a convert to Christianity.<sup>13</sup> She was at any rate “*superstitionis externae rea*,” and though the statement of Tacitus is vague, because, to avoid open scandal, she was handed over to her husband’s domestic tribunal, the “*continua tristitia*,” the “*cultus lugubris*,” and the “*non animus nisi moestus*” all seem to point to her Christianity; while the discovery of a Christian inscription of the second century in the Catacomb of Callistus mentioning a Pomponius Graecinus does much to confirm the supposition.<sup>14</sup>

By 58 A.D. the community in Rome was sufficiently important for a letter to be addressed to it by Paul,

<sup>9</sup> Acts xxiv. 5; Tert. *contra Marcionem*, iv. 8: “Unde et ipso nomine nos Iudaei Nazarenos appellant.”

<sup>10</sup> Suet. *Claud.* 25.

<sup>11</sup> Acts xviii. 2.

<sup>12</sup> Dio. Cass. lx. 6, quoted on p. 22, note 1.

<sup>13</sup> Tac. *Ann.* xiii. 32.

<sup>14</sup> De Rossi, *Roma sott.* ii. 364.

though numerically it must have been still small when "the brethren" went out to meet Paul on his arrival in Italy to Appii Forum and Tres Tabernae.<sup>15</sup> Here the narrative in the Acts breaks off, and with the exception of the short, but not unimportant, statement that for the next two years Paul was uninterfered with in preaching to all who visited him<sup>16</sup>—from which we may infer

- (1) the freedom of Christianity from state interference,
- (2) its still continuing increase—we have no further information about it until it appears in the pages of Tacitus in connexion with the great fire of 64 A.D.<sup>17</sup>

That this fire was deliberately caused by Nero himself there was very great contemporary suspicion, which the emperor was not unnaturally anxious to remove. He did his best to assist the homeless multitude by providing temporary quarters in the Campus Martius and even in his own gardens: his measures for the rebuilding of the city were judicious and not illiberal, while the supposed anger of the gods was appeased by various religious rites. "But," says Tacitus, "neither human assistance in the shape of imperial gifts nor attempts to appease the gods

<sup>15</sup> Acts xxviii. 15.

<sup>16</sup> *Ibid.* xxviii. 30: 'Ἐνέμεινεν δὲ διατίαν ὄλην ἐν ἰδίῳ μισθώματι καὶ ἀπεδέχετο πάντας τοὺς εἰσπορευομένους πρὸς αὐτὸν, κηρύσσων τὴν βασιλείαν τοῦ θεοῦ καὶ διδάσκων τὰ περὶ τοῦ Κυρίου Ἰησοῦ Χριστοῦ μετὰ πάσης παρηκολούτου.

<sup>17</sup> Tac. *Ann.* xv. 44: "Sed non ope humana, non largitionibus principis aut deum placamentis, decedebat infamia, quin iussum incendium crederetur. Ergo abolendo rumori Nero subdidit reos, et quaesitissimis poenis adfecit, quos per flagitia invisos vulgus Christianos appellabat. Auctor nominis eius Christus Tiberio imperitante per procuratorem Pontium Pilatum supplicio adfectus erat: repressaue in prasens exitiabilis superstitio rursum erumpebat, non modo per Iudaeam, originem eius mali, sed per urbem etiam, quo cuncta undique atrocia aut pudenda confluunt celebranturque. Igitur primo correpti qui fatebantur, deinde indicio eorum multitudo ingens haud perinde in crimine incendii quam odio humani generis convicti sunt. Et pereuntibus addita ludibria, ut ferarum tergis contexti laniatu canum interirent, aut crucibus adfixi flammandi, ut, ubi defecisset dies, in usum nocturni luminis urerentur. . . . Unde, quamquam adversus sotes et novissima exempla meritos, miseratio oriebatur, tamquam non utilitate publica sed in saevitiam unius absumerentur."

could remove the sinister report that the fire was due to Nero's own order. And so, in the hope of dissipating this rumour, he falsely diverted the charge on to a set of people whom the populace called Christians, and who were detested for the abominations which they perpetrated. The originator of the name, a person called Christus, had been executed by Pontius Pilate in the reign of Tiberius, and the dangerous superstition, though put down for the moment, again broke out, not only in Judaea, the original home of the pest, but even in Rome, where everything horrible or shameful collects and is practised."

That Tacitus, writing about 120 A.D., and after having himself held the proconsulship of Asia,<sup>18</sup> should have some more or less accurate knowledge of the Christians as a distinct sect, is only natural, but what has seemed to some scholars surprising, and even incredible, is that as early as Nero's time, when Christianity is thought to have been growing up under the toleration extended to the Jews, it should have been singled out for special interference and special repression, especially as a very few years earlier it was certainly uninterfered with. To avoid this difficulty, it has been suggested by Schiller<sup>19</sup> and others that the persecution, if such it can be called, really fell upon the Jews, as the most extreme and fanatical religious sect in Rome, though individual Christians may have been involved in it through being confused with the Jews; and that Tacitus in specifying the former is really antedating the distinction between them, and injecting into the Neronian period a knowledge which was only a reality in his own. That there are difficulties in the account given by Tacitus it cannot be denied, but any such supposition as that given above is rightly regarded by Nissen<sup>20</sup> as a serious impugnment

<sup>18</sup> This is proved by an inscription recently discovered: see Cagnat, *L'Année Epigraphique*, 1891, p. 29, and *Bull. de Corresp. hellén.* 1890, p. 621.

<sup>19</sup> *Geschichte der röm. Kaiserzeit*, ii. 445-450. Cf. Lipsius "Ueber den Ursprung und früheren Gebrauch des Christennamens," p. 17. A similar view is taken by Hausrath,

<sup>20</sup> *Histor. Zeitschrift*, 1874, p. 340.

of Tacitus' historical credibility. As a rule he follows, for times anterior to his own, contemporary authorities, and if in this instance he has left them and given a different account, drawn from his own knowledge of the Christians, or even from any tradition which may have been known to have existed among them, he has done what no trustworthy historian ought to do.

Nor is this theory, that the Christians, so far as they were affected by Nero's action, were taken for Jews, without difficulties of its own. If the Roman community had consisted of Judæo-Christians, either exclusively or preponderatingly, there would have been the possibility of such confusion, though even so there was the not unimportant distinction between them that whereas the Jews attended the synagogue the Christians did not—a distinction which Mommsen holds was not likely permanently to escape the vigilance of the Roman police.<sup>21</sup> But if the view taken above of the Gentile character of the Roman Christians is correct, there would be very much less chance of any such confusion, and if it had been the Jews who were sought for, there was a very simple, if brutal means of identifying them, from which we know the Roman government did not shrink on other occasions,<sup>22</sup> and which would have at once freed Gentile Christians from implication in a charge against Jews. To this we may add that the theory in question does not really explain the facts. We can understand that if the Christians had really been the victims, but were regarded as a sect of the Jews, an historian not accurately aware of the distinction might describe it as a Jewish persecution; but why, if it really was a Jewish persecution, he should

<sup>21</sup> *Histor. Zeitschrift*, No. 64, p. 423: "Hierin, in dem Besuch oder Nichtbesuch der Synagoge, wird dem heidnischen Publikum und insbesondere den Stadtrömern der Gegensatz der Juden und der Christen wohl zuerst entgegentreten sein, namentlich wenn, wie dies wahrscheinlich geschah, die Polizei, welche die Synagogen gewähren lassen musste, gegen die Ekklesien einschritt."

<sup>22</sup> Suet. *Dom.* 12: "Interfuisse me adolescentulum memini cum a procuratore frequentissimoque concilio inspiceretur nonagenarius senex an circumsectus esset."

avoid the generic term which was well known, and describe the victims as Christians—a term *ex hypothesi* special and obscure—certainly needs more explanation than this theory gives. Besides, if the Jews had been the victims, would not Josephus have made some mention of the matter? Would not Dio Cassius have noticed it? The contemporary historians would, on Schiller's supposition, have rightly described the victims as Jews: would not some tradition, some trace of the incident have remained in connexion with them? Similar objections might be raised against Merivale's theory that the Jews, who were themselves accused in the first instance, succeeded, possibly through the court influence of Poppaea Sabina, in diverting the accusation from themselves on to the Christians.<sup>23</sup> If this saves the credit of Tacitus to a certain extent, as far as the description of the sufferers as Christians is concerned, it directly contradicts him on another point, for it implies that the Christians—who in this case would certainly have been described as *Nazaraei*—were selected as scapegoats at the suggestion and through the hatred of the Jews, whereas Tacitus expressly says that they were selected as objects of hatred to the populace on account of their abominable crimes.

But in point of fact we are beating the air in combating these theories. I agree with Professor Ramsay<sup>24</sup> that, in the absence of positively conflicting testimony, we must make the best of the account we have. Nor are the difficulties, after all, insuperable. We are apt to forget in picturing to ourselves ancient Rome, with its huge and mixed population, its thoughts and attention fixed on bread and the Circus, and all the morbid excitements which a *régime* like that of Nero provided for them, how thorough and efficient, after all, was the police administration of the city, how strict the surveillance over illicit *collegia*, and above all perhaps how minute and detailed, even in apparently trivial concerns, the despatches must

<sup>23</sup> *The Romans under the Empire*, vi. 448-49.

<sup>24</sup> *Op. cit.* p. 229.



have been from the provincial governors. These arrangements had developed into a system, and it would be a great mistake to suppose that because a Caligula or a Nero spent his time in mad revels or horse-racing or musical performances, the government machinery or the government vigilance was necessarily impaired. Professor Ramsay calls attention to this point in special reference to the Flavian times :<sup>25</sup> he thinks it impossible that the separate existence of Christianity as distinct from Judaism could long have escaped the vigilance of the government in the provinces, and I am disposed to agree with him, and even to throw back the consequences of this vigilance to the time of Nero and to Rome as well as to the provinces. According to Tacitus, the existence of a sect whom they called Christians, and detested for special reasons, was known to the populace of Rome, and at any rate from this point, if not before, to the government. If, as is assumed, the Christians were converts from the heathen population and not from the Jews, and if they were in any degree considerable or increasing in point of numbers ; and if—what is an essential point about the sect—they were exclusive and even aggressive, eager to make converts and keeping aloof from the things which most interested their neighbours ; above all, if they held secret or nocturnal meetings for the practice of their religious worship—they could hardly fail to become known and to become unpopular. We have already seen that in the Oriental provinces even earlier than this they were mockingly called *Χριστιανοί* by the Greek populations, and we have seen the social causes at work which were certain to make them in time hated and unpopular. Was Rome likely to be an exception ?<sup>26</sup> On the contrary, were not these tendencies likely to become accomplished facts earlier in Rome than in the provinces ? If each of the Oriental cities had its own stories about the Christians, e.g. Ephesus, or Philippi, or Antioch, these stories might all well find their way to

<sup>25</sup> *Op. cit.* p. 267.

<sup>26</sup> A mutilated inscription seems to show that the term *Christianus* was known at Pompeii, i.e. before 79 A.D. *C. I. L.* iv. 679.



Rome, producing there a cumulative effect. And with regard to the government, probably any sect known to and hated by the populace would become known to it. Then, again, there was every chance that reports from the provincial governors might make some mention of the Christians, while we cannot doubt that a full report of Paul's case must have been sent to Rome by Festus,<sup>27</sup> who certainly knew the term *Χριστιανός*, and must have arrived at some idea of the distinction between Christianity and Judaism. There is therefore nothing intrinsically impossible or even improbable in the statement of Tacitus, that the Christians of Rome in 64 A.D. were known as a sect distinct from the Jews, hated by the populace, not on account of their religion, but owing to certain sinister stories about them, and on this account selected by Nero or Tigellinus as scapegoats on whom the charge of incendiarism might with some probability be fastened.

But purely accidental as was this first contact between the Roman government and Christianity, it might quite possibly lead to results both important and permanent. "Those," continues Tacitus, "who confessed the charge were put upon their trial, and then by information gained from them an immense number of persons was convicted, not so much on the charge of incendiarism as on that of hatred towards civilised society. The victims as they perished were made to afford amusement to the crowd. Some being covered with the skins of wild beasts were torn to pieces by dogs: others were fastened on crosses to be set on fire in order that, when daylight failed, their burning might serve to light up the night." The general sense of this passage seems perfectly clear, taken in connexion with what has gone before, though there has been some difference of opinion as regards the particular phrases "*qui fatebantur*"—"correpti"—"*indicio eorum*." "*Correpti*," from a comparison of its use in Tacitus,<sup>28</sup> certainly means, not

<sup>27</sup> Prof. Ramsay rightly draws attention to the importance of Paul's case. *Expositor*, July 1893, p. 10.

<sup>28</sup> *Ann.* ii. 84, 4; iii. 28, 5; iii. 49, 1; iii. 66, 2; xii. 42, 4.

"arrested," but "put upon their trial," and this seems to me conclusively to fix the meaning of "*qui fatebantur*," since the confession, whatever it was, came before the trial. Arnold, arguing that *profiteri* or *confiteri* would be the proper words to use of confessing to a religion, explains it as "confessed to the charge of incendiarism," supposing that certain members of the Christian body were induced to make this false confession under the influence of torture. That any Christians would have confessed to such a charge without torture is certainly impossible, but how could they be tortured to elicit a confession of incendiarism before they were put on their trial for that crime? On the other hand, what would be the natural course for Nero or Tigellinus to adopt after he, as Tacitus expresses it, "*subdidit reos Christianos*"?<sup>29</sup> Surely to arrest all the Christians he could lay hold of. There, was, however, no special mark by which Christians were known. Some of those arrested might either not be Christians at all, or not openly pro-

As regards the reading, I have, against Prof. Ramsay, adopted the emendation *convicti*, instead of the MS. *coniuncti*, as making better sense, while the corruption is easily accounted for. The Med. reading—"aut crucibus adfixi aut flammandi atque ubi defecisset dies," etc., is certainly to some extent corrupt. Perhaps the simplest alteration is to omit the second *aut*, and to change *atque* into *ut*. There would thus be two kinds of punishment only—exposure to wild beasts and crucifixion. Neither of these in themselves involved *ludibrium*, which was added in the one case by dressing up the victims in the skins of wild beasts, in the other by setting fire to them as night came on, clothed possibly in the "*tunica molesta*." It is to the latter punishment that Juvenal probably alludes (*Sat.* i. 159), and I do not with Furneaux see anything inconsistent in the two accounts. Otherwise, the passage would, no doubt, be simplified if with Nipperdey we regarded the passage "*aut crucibus . . . flammandi*" as an interpolation. This is, however, never an altogether satisfactory mode of escaping a difficulty, and in this case the interpolation must have been made earlier than Sulpicius Severus, who evidently found the words.

<sup>29</sup> Arnold, *Die Neronische Christenverfolgung*, p. 20. The interpretation given in the text is supported by Nipperdey (see note *ad loc.*), by Aubé, *Histoire des Persécutions*, i. 92, by Renan, *L'Antéchrist*, p. 162, and by Nissen, *Histor. Zeitschrift*, 1874, p. 340.

fessed Christians. A certain number, however, of the bolder sort would at once confess their religion (and as this, by the prejudgment of Nero, was tantamount to confessing the incendiarism, *fateri* was not improperly used), and were accordingly put upon their trial. So far I am in agreement with Professor Ramsay, who adds another argument against Arnold's view which deserves consideration : viz. that " if so many of the Christians acknowledged the crime . . . their complicity in it would necessarily have been accepted by the popular opinion," <sup>30</sup> which, on the contrary, was, as we shall see, still convinced of Nero's guilt. I cannot, however, think that he is justified in translating "*indicio eorum* " by " on the information elicited at their trial." <sup>31</sup> Of course on Arnold's explanation of "*qui fatebantur* " "*indicio eorum* " bears its natural meaning, " on information received from them." The difficulty is that on the explanation given above, "*qui fatebantur* " are the cream of the Christian society, the boldest spirits of the community, and therefore those least likely to incriminate others of the sect. This is clearly the difficulty which has led Professor Ramsay to take these words in a non-natural sense which, I am afraid, they cannot bear. We cannot suppose that the Christians of the first century were all ready to be martyrs any more than the Bithynian Christians of the second century, many of whom, as we know, seceded under Pliny's treatment. It is clear, therefore, that some of those first arrested (not of course necessarily all) furnished the government with the names of those Christians who had so far escaped notice. Possibly they were induced to do this by torture, but more probably the explanation is to be found in the Epistle of Clement to the Corinthian Church, who, clearly alluding to the Neronian persecution, gives it as an instance of the evils arising from strife and jealousy.<sup>32</sup> There were therefore perhaps divisions among the Christians at Rome, as there were at Corinth, and so high did

<sup>30</sup> p. 238.

<sup>31</sup> p. 233.

<sup>32</sup> See the passage quoted on p. 54.

this sectarian spirit run that one party was even willing to denounce the other to the government. The number of Christians who were arrested and put upon their trial by this means was a considerable one, though " *ingens multitudo* " is no doubt a rhetorical exaggeration.

The turn, however, which the trial took—a trial conducted in all probability before the *præfectus urbi*—is the most important part of the whole incident. The Christians had originally been singled out, not as members of a " *religio illicita*," but as a set of men, obnoxious to the populace, on whom Nero sought to divert from himself the charge of incendiarism. In the course of the trial the proofs of incendiarism must necessarily to a great extent have broken down, but at the same time a good deal of information would be elicited about the sect, which would answer the purpose of the government just as well ; and which would imply a disposition, a state of mind, of which incendiarism would be a natural result. It would come out, in the first place, that the sect held nocturnal meetings, and the very simplicity of the early Christian worship would have the appearance of mystery and secrecy to the ordinary heathen mind. Then there would be stories which, if we are to believe Tacitus, were already abroad of the *Οἰδιπόδαιοι μίξεις* and the *Θνέστεια δέλπια* : these would, no doubt, be repeated and exaggerated ; the stories of child-murder in particular falling in with the current notions about magic and witchcraft,<sup>33</sup> would give some colour to an accusation under that head, while, more important still, the social attitude of the Christians would have at any rate become clear to the government—from one point of view, their isolation and aloofness from all the political and religious interests of the city ; from another, their aggressive and proselytising zeal. Isolated members of the sect would be found in almost every large *familia* of slaves ; Caesar's own household would be found not to have escaped the taint,<sup>34</sup> and

<sup>33</sup> Cic. *in Vatin.* vi. 14 ; Hor. *Epod.* 5 ; Juv. vi. 522.

<sup>34</sup> Philpp. iv. ad fin.

while no doubt the noble and the rich would be conspicuous by their absence, among the lower classes, and especially the servile population, Christianity, with its utter disregard of nationality, would be found a not unimportant element. To crown all, that characteristic of the religion which seemed to Pliny in itself deserving of the severest punishment, its *obstinatio* in the face of interference or repression, the obligation "to obey God rather than men,"<sup>35</sup> would seem to involve an opposition to the omnipotence of the Roman government, which might contain the seeds of real political danger. All these things combined were deemed sufficient to secure a conviction, not so much on the definite charge of incendiarism as of what Tacitus describes as "*odium generis humani*"<sup>36</sup>—a wider charge, which might include or might easily be taken to involve the narrower one. That insinuations of magic and witchcraft played, as Arnold suggests,<sup>37</sup> an important part in these trials seems at least possible. The term "*malefica*," used by Suetonius of the new religion, often has this special sense, and it deserves notice that in the Justinian code<sup>38</sup> magicians are described as "*inimici generis humani*."

The result of the trials was naturally the execution of the criminals, and here again the fact must not be passed over—though I think it is possible to make too much of it—that the mode of punishment was that prescribed for those convicted of magic: "*Qui sacra impia nocturnave ut quem obtruncarent, defigerent, obligarent, fecerint facciendave curaverint aut crucibus suffiguntur aut bestiis obiciuntur . . . . Magicae artis conscios summo supplicio adfici placuit. id est bestiis obici aut*

<sup>35</sup> Acts v. 29.

<sup>36</sup> "*Oodium generis humani*" is explained by Holtzmann as "*völliger Mangel an aller humanen und politischen Bildung*;" by Schiller (*Comment. philolog. in hon. Mommsen*, p. 26) as "*Exclusivität gegen Andersgläubige*;" by Arnold, much more suggestively, as "*principieller Widerstand gegen die römische Staatsomnipotenz*," p. 23.

<sup>37</sup> Arnold, pp. 65, 66

<sup>38</sup> Cod. Just. ix. tit. 18: "[Magi] *humani generis inimici credendi sunt*."

crucibus suffigi: ipsi autem magi vivi exuruntur.' <sup>39</sup> Our conclusion therefore is that the account given by Tacitus is both credible in itself and consistent with all that we are able to infer concerning the Christians at this time. It remains to be added that it receives independent confirmation from other sources. Clement, whose Epistle from Rome to the Church at Corinth is with much probability assigned to the end of Domitian's reign, speaks of a πολὺ πλῆθος whose deaths were connected with the martyrdom of the great apostles Peter and Paul. He mentions particularly the female victims, and describes their punishment in words which at once suggest the *lubidria* of Tacitus: Τούτοις τοῖς ἀνδρασιν οὕτως πολιτευσαμένοις συνηθοίσθε πολὺ πλῆθος ἐκλεκτῶν, οἵτινες πολλαῖς αἰκίαις καὶ βασάνοις διὰ ζῆλος παθόντες ὑπόδειγμα κάλλιστον ἐγένοντο ἐν ὑμῖν. Διὰ ζῆλος διωχθεῖσαι γυναῖκες Δαναΐδες καὶ Δίρκαι αἰκίσματα δεινὰ καὶ ἀνόσια παθεῖν ἐπὶ τὸν τῆς πίστεως βεβαῖον δρόμον κατήντησαν καὶ ἔλαβον γέρας γενναῖον αἱ ἀσθeneῖς τῷ σώματι. <sup>40</sup> That Nero was fond of horribly realistic representations in the arena we know from Suetonius, <sup>41</sup> and on this occasion not only his own tastes but the desire to amuse and divert the populace from their suspicions against himself, would easily suggest these "quaesitissimae poenae." So while the men were made to represent Actaeon torn to pieces by his hounds, or after hanging on crosses during the day were at night clothed in the *tunica molesta*, and so made to illuminate the imperial gardens, the women, were, like Dirce, fastened on the horns of bulls, or after figuring as Danaides in the arena, were exposed to the attacks of wild beasts, just as we find Orpheus, without any mythological justification, torn to pieces by a bear. <sup>42</sup>

The Neronian persecution is also alluded to by Melito,

<sup>39</sup> Paulus, *Sent.* v.

<sup>40</sup> Clem. *Ep. ad Corinth.* c. 6.

<sup>41</sup> Suet. *Ner.* 12: "Inter Pyrricharum argumenta taurus Pasiphaen ligneo iuvencae simulacro abditam iniit, ut multi spectantium crediderunt. Icarus primo statim conatu iuxta cubiculum eius decidit ipsumque cruore respersit."

<sup>42</sup> Mart. *De Spect.* xxi. 7, 8.



bishop of Sardes, in an Apology which he addressed to M. Aurelius about 170 A.D., and in which Nero and Domitian are represented as the only persecutors up to his own time <sup>43</sup>—a view which we cannot regard as historical, though it represents the Christian tradition of sufferings under those emperors. More important evidence is given by Suetonius, who in a list of administrative measures, mostly of the nature of police regulations, says: "Adflicti suppliciis Christiani, genus hominum superstitionis novæ ac maleficæ." <sup>44</sup> I agree with Professor Ramsay to a great extent in his estimate of this evidence. It is clearly independent of Tacitus, but by no means inconsistent with him. The attempt to convict the Christians of burning the city evidently failed; the people saw through it; Tacitus himself implies that Nero was still regarded as the author of the fire; <sup>45</sup> Pliny expressly affirms it, <sup>46</sup> and Suetonius also without qualification; <sup>47</sup> while, as we have seen in the trial itself, except in the case of those first arrested, the punishment was not for incendiarism so much as for that wider charge of "odium generis humani." Hence Suetonius does not think it worth while to disturb his summary of results by bringing the punishment of the Christians into connexion, generally admitted to be fictitious, with the burning of the city. The charge of incendiarism had developed into a general charge of

<sup>43</sup> Quoted in Euseb. *H. E.* ix. 26: Μόνοι πάντων ἀναπεισθέντες ὑπὸ τινων βασκάνων ἀνθρώπων τὸν καθ' ἡμᾶς ἐν διαβολῇ καταστήσαι λόγον ᾗθέλησαν Νέρων καὶ Δομετιανός.

<sup>44</sup> Suet. *Ner.* 16.

<sup>45</sup> *Ann.* xv. 44: "Unde quamquam adversus sontes et novissima exempla meritos [i.e. on the score of their *flagitia*] miseratio oriebatur tanquam non utilitate publica sed in saevitiam unius absumerentur." Cf. xv. 67, where Subrius Flavius says: "Odusse coepi postquam parricida matris et uxoris, auriga et histrio et incendiarius extitisti."

<sup>46</sup> Plin. *H. N.* xvii. 1: "ad Neronis principis incendia quibus cremavit urbem;" and xvii. 8: "ni princeps ille accelerasset etiam arborum mortem."

<sup>47</sup> Suet. *Ner.* 38: "Nam quasi offensus deformitate veterum aedificiorum, et angustiis flexurisque vicorum, incendit urbem tam palam ut plerique consulares cubicularios eius, cum stuppa taedaque in praediis suis deprehensos, non attigerint."

disaffection to the government, resulting from a mischievous and morose superstition. In this aspect only Suetonius mentions it: in the words of Professor Ramsay, which with slight modifications I should accept, "he merely gives a brief statement of the permanent administrative principle into which Nero's action ultimately resolved itself."<sup>48</sup> The investigation arising from a purely incidental charge had made the government for the first time acquainted, not with the name—for that was probably known before—but with some of the peculiarities of the sect, and though the numbers were not sufficiently great nor the members of sufficient social importance to make it really a political danger, and though there were certainly no charges amounting to *sacrilegium*<sup>49</sup> or *maiestas*, there were yet suspicions of moral enormities, there were complaints of social isolation on the one side and social interference on another, and lastly, the principles of the religion seemed to involve in the last resort political disobedience, the recognition of an authority which in cases of collision with the state authority was in preference to be obeyed. This, in the somewhat rhetorical language of Tacitus, was "odium generis humani," disaffection to the social and political arrangements of the empire,<sup>50</sup> but, as has been

<sup>48</sup> p. 232.

<sup>49</sup> The Christians, as Mommsen has shown, could never have been accused of *sacrilegium* in any technical or juristic sense. As a legal offence *sacrilegium* was *ιεροσυλία*, i.e. stealing from a temple. Cf. *Dig.* xlviii. 13, 11, 1: "Sunt autem sacrilegi qui publica sacra compilaverunt." It was only in a popular sense that it implied "religious misdemeanour" generally (cf. *Liv.* iv. 20, 5), and in this sense no doubt, but in no other, it was often applied to the behaviour of Christians: as in *Min. Fel.* 25 and 28, *Tert. Apol.* 2, *ad Scap.* 2 and 4. Tertullian, with his legal knowledge, points out that the Christians were improperly called "sacrilegi," *ad Scap.* 2: "Nos quos sacrilegos existimatis nec in furto unquam deprehendistis, nedum in sacrilegio." See *Hist. Zeitschr.* p. 411.

<sup>50</sup> "Genus humanum," was, as Arnold points out, the civilised population of the empire. So Nero was "hostis generis humani," *Plin. H. N.* vii. 8; Galba was emperor by the "consensus generis mortalium" is similarly used.

already said, not falling under the head of *maiestas*, nor coming within the range of any of the regular *quaestiones*.

The whole thing, indeed, was a matter for police regulation ; as such it came, no doubt, in the first instance, before the *praefectus urbi*, as the chief police magistrate at Rome, but it could equally well in theory be dealt with by the summary authority or *coercitio* which the executive magistrates at Rome and the proconsuls and legates in the provinces possessed. Mommsen <sup>51</sup> has, indeed, shown conclusively that the repressive measures of the state in the sphere of religious policy belong for the most part to the department of administration, not to the judicial interpretation or enforcement of law, and not even to imperial edicts or constitutions. This *coercitio*, the essential attribute of all the higher magistrates, was for the state an extraordinary means of self-defence : it was not restricted to the regular rule of procedure : the offences or misdemeanours with which it interfered were not defined by any technical nomenclature, and the punishments which it inflicted were, if not arbitrary, at least not specified with any undeviating precision. In Rome from the time of Tiberius this police *coercitio*

<sup>51</sup> *Histor. Zeitschr.* p. 398 : " Die nicht auf die Ausführung der Strafgesetze gerichtete sondern nach freiem Ermessen ausgeübte obrigkeitliche Fürsorge für die Ordnung und das Wohl des Gemeinwesens kann nicht gedacht werden ohne die Befugniss des Magistrats den widersetzlichen Bürger entweder indirect durch Zufügung von Rechtsnachtheilen oder direct durch Anwendung der Gewalt zum Gehorsam zu zwingen (*coercere*). In dem römischen Gemeinwesen hat dies zu dem Rechtsatz geführt, dass der zur Sache competente Magistrat jedem zum Gehorsam Verpflichteten nach freiem Ermessen und ohne Prozessform jedes nicht durch die Sitte ausgeschlossene Übel zufügen kann. . . . Der Gegensatz zu dem eigentlichen Strafverfahren liegt darin dass die Coercition als ausserordentliches Hülfsmittel, gewissermassen als Nothwehr der Gemeinde gegen den Bürger aufgefasst und daher von der Formulirung sowohl des Unrechts wie des Einschreitens dagegen bei ihn abgesehen wird. . . . Die repressiven Massregeln des Staats auf dem Gebiet der Religion gehören überwiegend diesem administrativen Kreise an und sind nothwendiger Weise beherrscht durch die davon untrennbare administrative Willkür." Cf. *Staatsrecht*, vol. i. pp. 133-153.

was mainly vested in the *praefectus urbi*, with the general instructions "ut servitia coerceret et quod civium audacia turbidum nisi vim metuat."<sup>52</sup> In the provinces general instructions were given to every governor "ut pacata atque quieta provincia sit quam regit; quod non difficile obtinebit, si sollicitè agat ut malis hominibus provincia careat, eosque conquirat: nam et sacrilegos latrones plagiarios fures conquerere debet et prout quisque deliquerit in eum animadvertere."<sup>53</sup>

It is the working out of these general instructions given to the executive magistrates at home and in the provinces, modified and coloured no doubt by the personal characteristics both of the magistrates and of the emperors, that we must look for concrete examples of any state policy towards the Christians.<sup>54</sup> The first step was taken by Nero's government in 64 A.D. The occasion was purely accidental, but the results were of extreme importance. At the outset the Christians were only known to the government as a small and perhaps fanatical religious sect extremely unpopular with the

<sup>52</sup> Tac. *Ann.* vi. 11.

<sup>53</sup> *Dig.* i. 18, 13. That it was under this general police instruction that the provincial governors could proceed against the Christians receives some confirmation from the part which the *εἰρηναρχαί* — police superintendents—played in their arrest. The *Digest* describes the "Irenarchae" as "disciplinae publicae et corrigendis moribus praefecti" (*Dig.* l. 4. 18, 7): it also proves that it was their duty to arrest "latrones," etc., "ut irenarchae cum adprehenderint latrones," *Dig.* xlviii. 3, 6. But we also know that it was the Irenarch in Smyrna who sent his *gens d'armes* to arrest Polycarp (*Ruinart*, p. 39), while Augustine also mentions these officials in connexion with the Christian persecutions.

<sup>54</sup> So Mommsen points out that this *coercitio*, so far as it has found any entrance into Roman jurisprudence, is not found in the exposition *De publicis Iudiciis*—i.e. in the criminal law—but under the heading *De Officio Proconsulis et Legati*, which treats of extraordinary procedure and police administration. It is under this heading that, according to Lactantius (*Inst.* v. 11, 19), Ulpian had collected the various rescripts referring to the Christians. "Domitius de officio proconsulis libro septimo rescripta principum nefaria collegit ut doceret quibus poenis adfici oporteret eos qui se cultores Dei confiterentur."

masses at Rome: as the upshot of the trial they were recognised as a society whose principles might be summarised as “*odium generis humani*.” They were therefore punished, not as incendiaries, but as Christians.

## V

### Christianity under the Flavian Emperors

THAT the persecution at this time extended beyond Rome to the provinces there is no evidence whatever to show, for the statement of Orosius,<sup>1</sup> unconfirmed by earlier authorities, is naturally worthless. At the same time there is no doubt that, in Professor Ramsay's words, "the example set by the emperor necessarily guided the action of all Roman officials," and from this time forward there was always the possibility that similar action would be taken by the governors in the provinces : it was really only a matter of time. Generally speaking, the same causes which made the Christians unpopular in Rome were at work, perhaps not quite so rapidly, in the provinces also, and while Nero for his own ends anticipated popular feeling in the capital, the provincial governors would be far more likely as long as possible to remain behind it, and only to take action against the Christians when popular feeling actually forced it upon them. In all probability this took place in many cases under the Flavian emperors, very probably before Domitian. The destruction of the Temple and the consequent disappearance of the Jews as a political unity could hardly fail to have an unfavourable influence on the relations between the Roman government and the Christians. On the one hand, whatever vestige of confusion might still remain between Jews and Christians

<sup>1</sup> Hist. vii. 17.



must have been finally removed now that the former had to register their names and pay their two drachmas to Roman officials ; on the other hand, the Jewish war had been a lesson which must have shown the Roman government the political danger of fanatical and aggressive monotheisms. The "hostile odium contra omnes alios" which was at the root of the Jewish difficulty had already been recognised as involved in the principles of the Christian body. The Jewish religion was now to a certain extent under state surveillance, and cut adrift from all political unity. The Christian religion had no national claim to toleration, and the very absence of a national basis and its claim to universality suggested possibilities of extension of which there had been no fear in the case of the Jews.

The Christian problem, which accident had revealed to the Neronian government at Rome, was one which the Flavian dynasty would certainly have to face in the provinces. Is there any evidence that it was treated in a different manner—that any development took place of what can fairly be called a systematic policy on the part of the Roman government towards the Christians ? On this point I feel bound to disagree with Professor Ramsay, who holds that between 64 A.D. and 95 A.D. the principle of the state action was changed, that whereas under Nero the Christians were charged with certain definite offences, such as incendiarism or hostility to society or magic, or the special *flagitia* ascribed to the sect, and were punished for these, they were now, on the contrary, punished for the name only ; that Christianity was assumed to be in itself a crime deserving of death ; that no questions were asked, no investigation made about crimes committed ; that the acknowledgment of the name involved immediate condemnation ;<sup>2</sup> that Nero treats a great many Christians as criminals and punishes them for their crimes : Pliny and Trajan treat them as outlaws and brigands, and punish them without a reference to crimes.<sup>3</sup>

As far as Professor Ramsay's arguments depend on

<sup>2</sup> p. 242.

<sup>3</sup> p. 245.

the early date of the Pastoral Epistles, which he says confirm his view of the Neronian principle,<sup>4</sup> or on a later date for 1 Peter, which confessedly refers to suffering for the name,<sup>5</sup> I shall not follow him, because all evidence resting on such controverted points must have, *ipso facto*, an element of uncertainty. And it really seems to me to be unnecessary, because, after all, the principle of Nero practically involves, without supposing any development from it, the principle which Professor Ramsay ascribes to the Flavian emperors. If the view which has been taken above of the Neronian trials is correct, the Christians, though originally charged with incendiarism, were not found guilty or punished for that or for any definitely stated offence. Professor Ramsay speaks as if "hostility to society" was one of the particular charges made against them. On the contrary, the "odium generis humani" was a summary of the particular charges,<sup>6</sup> a general expression for the contents of Christianity, and henceforth all Christians in Rome would be liable to the same treatment, even without the judicial investigation which had once for all established the criminality of Christianity as involving this *odium*. Nor need we find anything exceptional in this, when we remember that the whole matter was one of police administration, not of judicial procedure against a legally constituted offence. It is this, of course, which accounts also for the spasmodic character of proceedings against the Christians, not only in Rome, but in the provinces as well, a character quite inconsistent with any specific law making Christianity an illegal society, but completely in harmony with the nature of

<sup>4</sup> p. 246, and *Expositor*, July 1893, pp. 20, 21.

<sup>5</sup> Especially 1 Pet. iv. 15 : Μὴ γάρ τις ὑμῶν πασχέτω ὡς φονοῦς ἢ κλέπτῃς ἢ κακοποιὸς ἢ ὡς ἀλλοτριοεπίσκοπος · εἰ δὲ ὡς Χριστιανός, μὴ ἀσχυνέσθω, δοξαζέτω δὲ τὸν θεὸν ἐν τῷ ὀνόματι τούτῳ.

<sup>6</sup> Professor Sanday takes this view in the *Expositor* for June, 1893. As this was written before I saw his paper, I may cite him as independently confirming this view of the matter. Cf. how Tertullian (*Apol.* 2) sums up the charge against Christians : "Christianum hominem omnium scelerum reum, deorum, imperatorum legum, morum, naturae totius inimicum existimas."

police supervision which took action when action seemed advisable, but might at any time, without weakening the principle of such action, allow it to rest either wholly or in part during long intervals of time. The police authorities of Rome, and therefore the imperial government, were convinced that Christianity involved "odium generis humani." This was sufficient to justify on the particular occasion a considerable number of executions; it involved the possibility of a continuous series of executions in the future on the ground of information once for all received; and it was almost certain that whenever provincial governors applied for instructions as to their treatment of the new sect, rescripts in accordance with the proceedings in Rome would be sent. In all cases the proceeding would take the form of a *cognitio*; there was in no case any necessity to do more than establish the Christianity of the accused, which, after the investigation in Rome, was in itself criminality deserving execution. On the other hand, it was always open to the magistrates to inquire as much or as little as they liked into the particular charges: the hesitation of Pliny, "quid aut quatenus puniri soleat aut quaeri,"<sup>7</sup> shows that the procedure varied in this respect. But no doubt, generally speaking, as long as Christianity was comparatively unfamiliar, the special charges would be to a certain extent gone into, while later on this would be thought in fact, as it already was in principle, unnecessary. To sum up: as soon as the Christians were once convicted of an "odium generis humani," they were potentially outlaws and brigands, and could be treated by the police administration as such, whether in Rome or the provinces. I cannot, therefore, agree that the Flavian emperors introduced any new principle, though I quite admit that under their policy proceedings were from time to time taken against the Christians, possibly in Rome, certainly in the provinces. That Titus at any rate was prepared to sanction a continuation of the policy commenced by Nero is, I think, shown by the

<sup>7</sup> *Ad Trai*, 96. 1.

report given of his speech before Jerusalem in 70 A.D., by Sulpicius Severus, whose authority was almost certainly Tacitus. In arguing for the destruction of the Temple he is made to say that the religions of the Jews and Christians would be thereby more completely extirpated, for these religions, though opposed to each other, had the same origin: the Christians had arisen from amongst the Jews, and when the root was torn up, the stem would be more easily destroyed.<sup>8</sup> This is a most important passage for proving that as early as 70 A.D. not only the distinction but the opposition between Judaism and Christianity was clearly recognized by the authorities in the Eastern provinces, and that both were regarded as involving possible dangers; but I cannot think, with Professor Ramsay, that Titus thereby pledged himself to any energetic measures of repression against the Christians any more than against the Jews. The Jewish religion, as we know, was tolerated as before, notwithstanding the hopes thus expressed by Titus for its extermination; and therefore there seems no reason on this ground, at any rate, to suppose any special interference with the Christians.<sup>9</sup> The fact that we have no extant records of interference with the Christians under Vespasian and Titus is no argument, or a very weak one, against the supposition that they nevertheless took place;<sup>10</sup> but if, as I suppose, they only took place

<sup>8</sup> Sulpic. Sever. *Chron.* ii. 30, 6: "Evertendum templum . . . censebant quo plenius Iudaeorum et Christianorum religio tolleretur . . . has religiones, licet contrarias sibi, isdem tamen auctoribus profectas; Christianos ex Iudaeis exstitisse: radice sublata stirpem facile perituram."

<sup>9</sup> Prof. Ramsay's inference from the mutilated passage of Suetonius, *Vesp.* 15, "Ceterum neque caede cuiusquam unquam . . . iustis suppliciis illacrimavit etiam et ingemuit," that reference is made to the continued punishment of the Christians in Rome, seems altogether gratuitous; it can neither be affirmed nor denied.

<sup>10</sup> Bishop Lightfoot has a good remark in this connexion: "This correspondence of a heathen writer is the sole ultimate chronicle of this important chapter in the sufferings of the early Church. What happened in this case is not unlikely to have happened many times." *Ignatius and Polycarp*, p. 18.

sporadically through some incidental reasons, local or personal, and in the ordinary course of police administration, we can quite understand how they fail to be mentioned both by heathen and Christian writers. In reality, as Mommsen says, "the persecution of the Christians was a standing one, like that of brigands, though the regulations touching them were applied now mildly and carelessly, now with severity, while every now and then they were stringently and thoroughly enforced."<sup>11</sup> It was these latter occasions only which attracted the attention of the Christian writers, and which they were apt to represent as isolated and distinct persecutions instead of what they really were—more clearly marked phases of what was constantly going on.

One of these episodes of increased severity occurred, there can be no doubt, under Domitian, both at Rome and in the provinces; and though, for the reasons given above, I do not think that any new principle was involved, yet undoubtedly certain fresh factors made their appearance which tended to make collisions with the Christians more frequent, while very possibly a new criterion was established, at any rate in the provinces, which made the *cognitiones* more brief, more simple, more summary, and, from the Christian point of view, more unjust. It has already been shown that, apart from political and social considerations, the religious toleration of the Roman government might always conceivably find its limit at the point where Roman citizens were diverted from the national religion by the exclusive claims of one of the monotheistic cults. If actual cases rarely occurred in which the rule of toleration was departed from on these grounds, it was partly because indifference to the national religion was always becoming greater, while the number of citizens attracted by the monotheistic cults was comparatively small; and in the case of men of rank or standing almost infinitesimal. But a revival of the national cult on the one hand, or a secession from it of conspicuous or noble

<sup>11</sup> *Röm. Gesch.* v. 523, note.



personages on the other, might at any time call down the interference of the state; and if there was added any suspicion of political danger, such interference was almost inevitable. It was such a concurrence of conditions which brought about a spasmodic and temporary persecution of Christians in Rome under Domitian in 95 A.D. Dio Cassius<sup>12</sup> tells us that Flavius Clemens, a cousin of the emperor, and his wife Domitilla were accused of ἀθεότης: that the former was executed, and the latter banished to an island; that many others also were accused of the same charge, some being executed, others stripped of their property, ὡς ἐς τὰ τῶν Ἰουδαίων ἦθη ἐξοκέλλοντες, Acilius Glabrio being mentioned particularly as charged with the same crime as the rest, and also with having fought with wild beasts in the arena. Suetonius<sup>13</sup> mentions the death of Flavius Clemens—whom he describes as a man “contemptissimae inertiae”—as arising “ex tenuissima suspicione,” while he alludes to Acilius Glabrio as a suspected “molitor rerum novarum.”<sup>14</sup> Eusebius<sup>15</sup> to a great extent confirms the account of Dio Cassius, mentioning no names, but narrating that Domitian killed a considerable number of noble and illustrious men, and punished many more with banishment and confiscation; while Melito<sup>16</sup> couples together, as does

<sup>12</sup> Dio Cass. lxxvii. 14: Κάν τῷ αὐτῷ ἔτει ἄλλους τε πολλοὺς καὶ Φλάβιον Κλήμεντα, ὑπατεύοντα, καίπερ ἀνεψιὸν ὄντα, καὶ γυναῖκα καὶ αὐτὴν συγγενὴ ἑαυτοῦ Φλαβίαν Δομιτίλλαν ἔχοντα κατέσφαξεν ὁ Δομιτιανὸς ἐπηνέχθη δὲ ἀμφοῖν ἔγκλημα ἀθεότητος, ὅφ' ἦς καὶ ἄλλοι ἐς τὰ τῶν Ἰουδαίων ἦθη ἐξοκέλλοντες πολλοὶ κατεδικάσθησαν· καὶ οἱ μὲν ἀπέθανον, οἱ δὲ τῶν γούν οὐσιῶν ἐστερήθησαν· ἡ δὲ Δομιτίλλα ὑπερῶρισθον μόνον εἰς Πανδατέρειαν. τὸν δὲ δὴ Γλαβρίωνα τὸν μετὰ τοῦ Τραϊανοῦ ἄρξαντα, κατηγορηθέντα τὰ τε ἄλλα καὶ οἷα οἱ πολλοὶ, καὶ ὅτι καὶ θηρίοις ἐμάχετο ἀπέκτεινεν.

<sup>13</sup> Suet. Dom. 15: “Denique Flavium Clementem patruelem suum, contemptissimae inertiae, cuius filios etiam tum parvulos successores palam destinaverat . . . repente ex tenuissima suspicione tantum non in ipso eius consulatu interemit.”

<sup>14</sup> Suet. Dom. 10.

<sup>15</sup> H. E. iii. 17: Πολλὴν γε μὴν εἰς πολλοὺς ἐπιδειξάμενος ὁ Δομετιανὸς ὀμότητα οὐκ ὀλίγον τε τῶν ἐπὶ Ῥώμης εὐπατριδῶν τε καὶ ἐπισήμων ἀνδρῶν πλήθος οὐ μετ' εὐλόγου κρίσεως κτείνας, κ. τ. λ.

<sup>16</sup> Euseb. H. E. iv. 26,



Tertullian, Nero and Domitian as the earliest persecutors. That Domitian was at any rate to a certain extent inclined to support and revive the national religion is shown by the passages and evidence collected by Schiller;<sup>17</sup> that the principal victims were not only noble Roman citizens but also a possible danger from a political point of view will be clear if we remember that Domitian had no heir of his own, that Flavius Clemens, whose two sons were the destined successors to the empire, was, as the only surviving son of Vespasian's elder brother, Flavius Sabinus, the second personage in the empire, and that Flavia Domitilla, his wife, was a niece of the emperor. That the victims were really Christians is almost certain. Christian tradition, as represented by Eusebius, affirms it,<sup>18</sup> and the words of Suetonius, "contemptissimae inertiae," well correspond to the difficulties of a Christian in the position of Flavius Clemens. Dio Cassius, it is true, represents them as living a Jewish life, but in view of the manifest bias which makes this writer consistently avoid all mention of the Christians, this evidence is anything but conclusive, while archaeological discoveries have now established the facts, (1) that Domitilla was the owner of the ground on which one of the catacombs was afterwards situated,<sup>19</sup> (2) that the family of the Acilii Glabrones were buried in a crypt, the centre of a series of catacombs clustered round the tomb of some saint or martyr,<sup>20</sup> whom, considering the evidence of Dio Cassius, it is not altogether rash to identify with the Acilius Glabrio of Domitian.

The trial, however, under Domitian took a different form from those in 64 A.D. Slaves and freedmen, immigrants from the East, members of the great city proletariat, might be summarily arrested by the

<sup>17</sup> *Röm. Gesch.* ii. p. 536.

<sup>18</sup> Euseb. *H. E.* iii. 18: ἐν ἔτει πεντεκαιδεκάτῳ Δομετιανοῦ μετὰ πλείστων ἐτέρων καὶ Φλαουτῶν Δομετιλλαν ἱστορήσαντες, ἐξ ἀδελφῆς γεγονῆσαν Φλαοῦτου Κλήμεντος, ἐνδὸς τῶν τηλικάδε ἐπὶ Ῥώμης ὑπάτων, τῇ εἰς Χριστὸν μαρτυρίας ἔνεκεν εἰς νῆσον Ποντίαν . . . δεδῶσθαι.

<sup>19</sup> De Rossi, *Bullett. di Archeolog. Cristian.* 1865, 17-24.

<sup>20</sup> De Rossi, cited by Ramsay, p. 262.

*praefectus urbi*, and after scant inquiry executed as members of a sect characterised confessedly by "odium generis humani." With Roman citizens of standing and importance a more definite charge was necessary, and this we find from Dio Cassius was primarily ἀθεότης, i.e. not so much *sacrilegium* in any technical sense<sup>21</sup> as a refusal to worship the national gods of the state. In this sense both the Jews and Christians were ἄθεοι,<sup>22</sup> though the Jews were tolerated ἄθεοι, and the majority of Christians, if this had been the only charge against them, would no doubt have been let alone. But in the case of Roman citizens it was deemed necessary to assert the state right to claim observance on the part of citizens of the national worship. The emperor no doubt tried the case himself. The charge of ἀθεότης not being known to Roman law, the case was one for the *coercitio* of the supreme magistrate. But it was one of the peculiarities of the imperial court that, sharing the summary power and lax procedure of police jurisdiction, it could also deal with really legal crimes such as *maiestas* or *repetundae*. Under Tiberius, as we know, *maiestas* was "omnium criminum complementum,"<sup>23</sup> and very much the same thing became true under Domitian. The charge of *maiestas* was one of very elastic dimensions, and Mommsen has shown that it was quite possible for any dishonour shown to the "dii populi Romani" to be conceived as a violation of the dignity of the ruling nation, and so brought under the law of *maiestas*.<sup>24</sup> From Suetonius we should infer that this took place on the present occasion. But if it was so, it is important to guard against any language which would seem to imply that henceforth this was the usual mode of dealing with the Christians. Le Blant<sup>25</sup> has no doubt performed

<sup>21</sup> See p. 74, n. 1.

<sup>22</sup> Mommsen, *Hist. Zeitschr.* p. 407, note 2.

<sup>23</sup> Tac. *Ann.* iii. 38.

<sup>24</sup> Mommsen, *Hist. Zeitschr.* p. 396.

<sup>25</sup> Le Blant, "Sur les bases juridiques des poursuites dirigées contre les martyrs," Acad. des Inscriptions, *Comptes-rendus*, 1866, p. 358 foll.

a useful work in showing what the usual legal charges were under which the Christians could be proceeded against—how *maiestas* or *sacrilegium* could be brought home to them, or circumstantial evidence produced of magical practices or murder, or how they could be punished as members of an illicit *collegium* under the Lex Iulia. No doubt in particular cases proceedings might be taken under one or other of these forms, but as a rule the Christian trials are not to be classified in this way. The Christians were punished, not as traitors, nor as magicians, but simply as Christians: i.e. as members of a body which was notoriously incompatible with the good order and obedience to existing institutions which an efficient police administration requires from all. It is to this circumstance that the vagueness is due which characterises all that we know of the dealings of the government towards Christianity. It really lay within the discretion of each provincial governor as to how he should deal with the Christians, whether he should hunt them out—a proceeding discountenanced by the emperors, certainly after Trajan—or should wait till information was laid against them by accusers. Again, when accusations were made, it was within his discretion merely to satisfy himself that the accused were really Christians, or to enter into any specific charges made against them. There is no evidence whatever that either by Nero or by any of the Flavian emperors any general instructions were given to provincial governors to put down Christianity.<sup>26</sup> When repressive measures were taken, they would be taken usually, not from any “Flavian policy,” not because membership in the sect was looked upon as treasonable by the government, certainly not because the Church was looked upon as “an organised unity dangerous to the state,”<sup>27</sup> but

<sup>26</sup> Sulpicius Severus says, *Chron.* ii. 29: “Hoc initio in Christianos saeviri coeptum. Post etiam datis legibus religio vetabatur palamque edictis propositis Christianos esse non licebat;” but, as Professor Ramsay points out, he uses these terms loosely and inaccurately (p. 225).

<sup>27</sup> Ramsay, p. 275.

in consequence of some manifestation of hostile feeling on the part of the populace, sometimes because their social interests were injured, sometimes because their religious institutions were neglected, sometimes from both causes combined with various other motives for jealousy and dislike.

Practically the Christians were not a danger to the state, and neither Nero nor Domitian could possibly have thought that they were, or have ordered systematic measures of repression on that ground; but nevertheless, since 64 A.D., the principles of the community were known to contain elements inconsistent with that entire obedience which was owed to the state and to state institutions by all well-affected citizens, and on this ground the provincial governors, as guardians of the public peace and acting in the special circumstances of particular cases, could and undoubtedly did from time to time persecute the Christians.

Nor must it be forgotten that in the provinces religious motives had greater weight—not indeed with the government, but with the populace—than at Rome. It has been seen that in the city the police administration always could, though perhaps it seldom did, interfere with citizens who repudiated the national cult, or, in other words, were *ἄθεοι*. But it would be a mistake to suppose that the populations of the Oriental cities, merely because they were not Roman citizens, were allowed complete liberty in religious matters, and could adopt Christianity without fear of interference.<sup>28</sup> The national religion had a stronger hold upon the people in the East than in the West,<sup>29</sup> and it was the manifest

<sup>28</sup> Mommsen, *Hist. Zeitschr.* p. 409: "Damit soll keineswegs esagt sein, dass in dieser Epoche dem Nichtbürger der Übertritt zum Juden oder zum Christenthum von Rechtswegen freigestanden habe: im Gegentheil konnte dem Athener und dem Antiochener, welcher sich zum Christenthum bekannte, mit demselben Recht wie dem Römer der Atheismus vorgeworfen werden, nur dass die Gottesleugnung hier auf einen anderen Götterkreis bezog."

<sup>29</sup> Instances are: the credulity of the people at Lystra, who believed that Paul and Barnabas were Hermes and Zeus "in

policy of the Roman government, which had always tolerated these religions, to give them whatever support against atheists was claimed by popular feeling—so that atheism was a charge with which the imperial police administration in the provinces could always deal, though, as Mommsen points out, the term had reference to different deities from those in Rome. The riot of the artificers at Ephesus shows how easily religious animosity might be aided by motives of another sort, although in this case the populace had not yet fully realised the extent of the opposition between the Christians and their own worship. A more significant example is the attempt of the people of Antioch, after the Jewish war, to enforce their national worship on the Jews resident among them, under the impression that with the destruction of the Temple and the political constitution of the Jews, their religious privileges were also taken away.<sup>30</sup> What was unsuccessfully attempted against the Jews must often have met with greater success against the Christians.

But it was not perhaps always easy, when popular feeling or some other occasion made it necessary for the provincial authorities to interfere with the Christians, to identify the members of a sect composed mainly of the humblest and poorest of the population, with no special ritual to attract attention, usually meeting more or less in secret, and by no means all of them ready to profess their Christianity in public. It was apparently in the reign of Domitian that a criterion was established which for the future made the identification of Christians a comparatively simple matter, while it provided the possibility, whenever it was deemed worth while or desirable, of bringing the profession of Christianity, even in the provinces, under the head of *maiestas*. Among other means of establishing some bond of union for the whole empire Augustus had conceived the possi-

the likeness of men (Acts xiv. 11-18); and the faith of the Egyptian populace in the healing powers of Vespasian (Suet. *Vesp.* 7). Cf. also Lucian, *Alexand.* 9.

<sup>30</sup> Joseph. *B. J.* vii. 3, 3.

bility of a semi-religious bond between Rome and the various provinces, which were otherwise so heterogeneous in worship, language, and institutions. As an outward sign of their common membership in the empire, an organisation was established in the provinces for the worship of "Rome and Augustus." For this purpose provincial *concilia* were formed, composed of deputies sent from the various towns or divisions of the province; a provincial temple to Rome and Augustus was built; a provincial *sacerdos* or *flamen* appointed and annual meetings of the *concilia* in connexion with religious services in the temple, and games in honour of the deified emperors were instituted.<sup>31</sup> But nowhere in the whole empire did this institution so flourish or assume such prominence as in the provinces of the East and particularly of Asia Minor. In Asia itself the original temple of Rome and Augustus was established at Pergamus; <sup>32</sup> here the *κοινὸν τῆς Ἀσίας* was held, and the games celebrated. But Asia was remarkable not only for the number of its cities, but for the rivalry existing between them, and so we find that in the course of time, temples to Augustus grew up in Sardes <sup>33</sup> Philadelphia,<sup>34</sup> Smyrna,<sup>35</sup> Ephesus,<sup>36</sup> and Laodicea,<sup>37</sup> the *κοινὸν* being apparently held now in one, now in another. The high priest of Asia was known by the high-sounding title of Asiarch, and the annual religious observances and the richly endowed games attracted the attention of the whole province. How far participation in this cult was expected as a duty or mark of loyalty from individual provincials we have no means of determining.<sup>38</sup> Under Augustus and Tiberius, after the first

<sup>31</sup> See my article on the Provincial Concilia, *English Historical Review*, April 1890.

<sup>32</sup> Dio Cass. li. 20. Tac. *Ann.* iv. 37.

<sup>33</sup> *C. I. Gr.* 5918. <sup>34</sup> *Ibid.* 3428.

<sup>35</sup> *Ibid.* 3208. <sup>36</sup> Eckhel, ii. 521.

<sup>37</sup> Wood, *Discoveries at Ephesus*, p. 54.

<sup>38</sup> Mommsen (*Röm. Gesch.* v. 321) supposes that the provincial priests of Rome and Augustus—in Asia the Asiarchs—would, as part of their duty, call attention to any neglect of the established cult, and having no power of punishment themselves, would



organisation was started, the whole thing was no doubt left to the spontaneous action of the provinces, and the same was probably true of the other emperors, with the exception of Caligula, up to the accession of Domitian. That emperor, however, was much more particular in respect to his own divinity. We know that his procurators had to commence their official instructions with the formula "Dominus et deus noster hoc fieri iubet," and that he insisted upon being addressed in a similar way in all communications to himself.<sup>39</sup> That under an emperor with such known proclivities there should have grown up greater strictness and possibly some more express provisions in relation to the observance of the imperial cult in the provinces is extremely likely, and certainly if any such change took place it must have produced an adverse effect upon the position of the Christians. That something of the sort actually did take place is, it seems to me, made extremely probable by the evidence of the Apocalypse. According to the statement of Irenaeus, with which apparently all the internal evidence agrees, the date of this book was near the end of Domitian's reign.<sup>40</sup> In it there is distinct and repeated allusion to a persecution of the Christians in Asia : <sup>41</sup> e.g. εἶδον ὑποκάτω τοῦ θυσιαστηρίου τὰς ψυχὰς τῶν

bring the matter before the secular courts : would, in fact, either act as or provide informers : " Als dann der alte und der neue Glaube im Reiche um die Herrschaft zu ringen begannen, ist deren Gegensatz wohl zunächst durch das provinziale Oberpriesterthum zum Conflict geworden. Diese aus den vornehmen Provinzialen von dem Landtag der Provinz bestellten Priester waren durch ihre Traditionen wie durch ihre Amtspflichten weit mehr als die Reichsbeamten berufen und geneigt auf Vernachlässigung des anerkannten Gottesdienstes zu achten und, wo Abmahnung nicht half, da sie selber eine Strafgewalt nicht hatten, die nach bürgerlichem Recht strafbare Handlung bei den Orts- oder den Reichsbehörden zur Anzeige zu bringen, und den weltlichen Arm zu Hülfe zu rufen, vor allem den Christen gegenüber die Forderungen des Kaisercultus geltend zu machen.'

<sup>39</sup> Suet. *Dom.*, 13

<sup>40</sup> Cited in Euseb. *H. E.* iii. 18 : οὐδὲ γὰρ πρὸ πολλοῦ χρόνου ἐωράθη [ἡ ἀποκάλυψις] ἰλλὰ σχεδὸν ἐπὶ τῆς ἡμετέρας γενεᾶς πρὸς τῇ τέλει τῆς Δομετιανοῦ ἀρχῆς.

<sup>41</sup> Prof. Ramsay (*Expositor*, July, 1893, p. 16) argues from the

ἐσφαγμένων διὰ τὸν λόγον τοῦ θεοῦ καὶ διὰ τὴν μαρτυρίαν ἣν εἶχον: <sup>42</sup> and, εἶδον τὴν γυναῖκα μεθύουσαν ἐκ τοῦ αἵματος τῶν ἁγίων καὶ ἐκ τοῦ αἵματος τῶν μαρτύρων Ἰησοῦ: <sup>43</sup> while it is equally clear that the immediate occasion of the execution alluded to was the refusal to worship the emperor: καὶ ἐδόθη αὐτῇ δοῦναι πνεῦμα τῇ εἰκόνι τοῦ θηρίου ἵνα καὶ λαλήσῃ ἡ εἰκὼν τοῦ θηρίου καὶ ποιήσῃ ἵνα ὅσοι ἐὰν μὴ προσκυνήσωσιν τῇ εἰκόνι τοῦ θηρίου ἀποκτανθῶσιν. <sup>44</sup> And, again, εἶδον . . . τὰς ψυχὰς τῶν πεπελεκισμένων διὰ τὴν μαρτυρίαν Ἰησοῦ καὶ διὰ τὸν λόγον τοῦ θεοῦ καὶ οἵτινες οὐ προσεκύνησαν τὸ θηρίον οὐδὲ τὴν εἰκόνα αὐτοῦ: <sup>45</sup> while we have the name of one martyr—Antipas—at Pergamus, the seat of the imperial cult at that time, ὃς ἀπεκτάνθη παρ' ὑμῖν ὅπου ὁ Σατανᾶς κατοικεῖ. <sup>46</sup> That it was the rule at the time, or thought to be so by the writer, for all the provincials to worship the emperor's image appears from another passage — προσκυνήσουσιν αὐτὸν πάντες οἱ κατοικοῦντες ἐπὶ τῆς γῆς. <sup>47</sup> It appears from these passages

vehement language of the Apocalypse as compared with the moderate tone of the Apologists of the second century, that the policy of the first century emperors was essentially more severe towards the Christians than those in the second. Mommsen speaks of the "complaints uttered in the Apocalypse." Prof. Ramsay says that "the Apocalypse is not a complaint but a vision of triumph over a cruel and bitter but impotent adversary." Does he not suggest the answer to his own argument? The intense, exaggerated, visionary tone of the Apocalypse is common to all the productions, mostly Jewish, of the same kind, and while we may accept any historical statements to be found in it, we must discount the general tone of denunciation. On the other hand, if the writer of the Apocalypse overstated the case, the Apologists by the very nature of their task were likely to employ a studied moderation which perhaps understated and mitigated the facts, though there are passages in Tertullian of intense, if repressed, bitterness, which, making allowance for the poetical imagery of the Apocalypse, might almost be compared with the tone of that work. To this it may be added that the Apocalyptic writer thought he was writing on the eve of the second coming of Christ; whereas the Apologists were trying to secure some tolerable *locus standi* for the Christians in an empire of which they no longer looked for a speedy end.

<sup>42</sup> vi. 9; cf. also xx. 4

<sup>43</sup> xvii. 6.

<sup>44</sup> Rev. xiii. 15.

<sup>45</sup> xx. 4.

<sup>46</sup> ii. 13.

<sup>47</sup> xiii. 8. Cf. also xii. 11, xiii. 12-14, xiv. 9, xvi. 2, and xix 20.

that a number of Christians were executed in Asia during Domitian's reign: a circumstance probably alluded to in the *Μαρτύριον Ἰγνατίου*<sup>48</sup>—*τῶν πολλῶν ἐπὶ Δομετιανοῦ διωγμῶν*—some of whom, at any rate, were beheaded,<sup>49</sup> perhaps as belonging to a somewhat higher class,<sup>50</sup> while others were probably sent to Rome to be exposed to wild beasts in the arena there.<sup>51</sup>

From these notices it is not necessary to infer that a formal charge of *maiestas* was brought against the Christians for refusing to worship the emperor. Had this been the case, the persecution would have been much more systematic and general than the evidence gives ground to suppose that it was, while a normal form of *cognitio* would certainly have been established for such cases, which would have made Pliny's hesitation and uncertainty impossible. Much more probably the ordinary charges were laid against the Christians before the proconsul—charges which involved a certain disaffection to the empire and the emperor. In view of the greater importance attached to the imperial cult by Domitian, it might easily suggest itself as a criterion by which the Christianity and consequently the criminality of the accused might be decided, while at the same time an opportunity was afforded them of proving at once their loyalty to the emperor by rendering to him the usual act of worship. If this view is correct, we are not

<sup>48</sup> Ruinart, *Acta Martyrum*, p. 696. <sup>49</sup> Rev. xx. 4.

<sup>50</sup> Paulus, *Sent.* v. 29, 1.

<sup>51</sup> So Mommsen (*Röm. Gesch.* v. 522 note) with much probability explains Rev. xvii. 6, *καὶ εἶδον τὴν γυναῖκα μεθύουσαν ἐκ τοῦ αἵματος τῶν ἁγίων*: and xviii. 24, *καὶ ἐν αὐτῇ αἶθα προφητῶν καὶ ἁγίων εὐρέθη*. "Wenn hervorgehoben wird, dass diese Blutgerichte besonders häufig in Rom vollzogen wurden (c. 17, 6; 18, 24), so ist damit die Vollstreckung der Verurtheilung zum Fecht- oder zum Thierkampf gemeint, welche am Gerichtort oft nicht stattfinden konnte und bekanntlich vorzugsweise eben in Rom erfolgte." Cf. *Dig.* xlviii. 19, 31: "Ad bestias damnare favore populi praeses dimittere non debet: sed si eius roboris vel artificii sint, ut digne populo Romano exhiberi possint, principem consulere debet." So Ignatius says to the Ephesians, *πάροδος ἔστε τῶν εἰς θεὸν ἀναιρουμένων*, *ad Ephes.* 12, and cf. 1, 4, *ἐλπίζοντα τῇ προσευχῇ ὑμῶν ἐπιτυχεῖν ἐν Ῥώμῃ θηριομαχεῖσαι*.

bound with Neumann<sup>52</sup> to suppose the introduction of any new principle in dealing with the Christians at this time, but rather the introduction of a useful test, by which Christians might easily be distinguished from those who were falsely accused of being so. That this receives much support from Pliny's letter to Trajan will I think appear below.

At Rome the death of Domitian seems at once to have restored the ordinary state of toleration which the Christian community experienced for the most part in the city, and which, as we have seen, was only disturbed by exceptional circumstances.<sup>53</sup> As to what took place in the provinces during the first twelve years or so of Trajan's reign we have no information. If the account given above—an account, be it remembered, which only pretends to rest on probable and indirect evidence—is in any way correct, there was up to this time no general proscription of the Christians, certainly no edict, as some have supposed,<sup>54</sup> forbidding their existence, and there was nothing which can fairly be called an imperial policy towards the Christians. The letter of Pliny, indeed, apart from all other evidence, is by itself a sufficient proof of this. The Christians were as yet too insignificant a body to be seriously regarded as a danger to the state, needing to be met by a definite policy. A purely personal motive had, indeed, thirty years before the death of Domitian brought the Christians of Rome face to face with the police administration of the city, and enough had been then discovered to show that their principles contained elements inconsistent with absolute obedience to the state, but, the special occasion over, the persecution apparently ended, and even the populace saw clearly enough that the Christians were not really being punished because they were dangerous, but to

<sup>52</sup> Neumann, *Der röm. Staat und die allgemeine Kirche*, p. 15.

<sup>53</sup> Dio Cass. lxxviii. 1 : τοῖς δὲ δὴ ἄλλοις οὔτε ἀσεβείας οὐτ' Ἰουδαϊκοῦ βλοῦ κατατιᾶσθαι τινας συνεχώρησε.

<sup>54</sup> See Arnold, *Die Plin. Christenverfolgung*, p. 27, note 3, and Boissier, *Revue Archéologique*, 1876, p. 118 foll.

satisfy the emperor's personal cruelty.<sup>55</sup> The collisions which had been brought about in Rome by one accidental circumstance might undoubtedly at any time in the provinces be brought about by others, and in particular by the deep and growing hatred with which the sect was beginning to be regarded by the people. In all such cases the provincial governors required no special law to guide their action: they were armed with the supreme police administration of their provinces; if riots took place against the Christians as "atheists," deniers or violators of the municipal or provincial cults, it was part of their police duty to protect them and to punish the offenders; if they were accused of forming illegal associations, or of nocturnal meetings, or of immorality, the same authority enabled them to take summary measures. The mere fact that the Christians by their strange doctrines were a cause of popular disturbance and excitement would amply justify police interference.<sup>56</sup> On the other hand, if the governors deemed it necessary to apply to the emperor for instructions, the rescript could only be in effect, "The Christians are enemies of the human race: it is your duty to insure the tranquillity of your province: if these men interfere with it, they must be punished." In other words, Christianity by virtue of its inherent disobedience (*obstinatio*, *παράταξις*<sup>57</sup>) was a criminal offence, but in the eyes of the police administration, not of the law. How far the Christians were actually persecuted under this *régime* would depend not so much on any Neronian or Flavian policy as on the character of the provincial governors, local and particular circumstances, and, above all, on the state of popular feeling in particular districts or provinces.

<sup>55</sup> Tac. *Ann.* xv. 44: "tanquam non publica utilitate sed in unius saevitiam absumerentur."

<sup>56</sup> Paulus, *Sent.* v. 21: "Qui novas sectas vel ratione incognitas religiones inducunt, ex quibus animi hominum moveantur, honestiores deportantur, humiliores capite puniuntur." This, as Mommsen points out, only puts in a precise form what was essentially the duty of every police administration.

<sup>57</sup> Cf. the *αὐθάδεια* which Aristides attributes to οἱ ἐν τῇ Παλαιστίνῃ δυνουεῖς (*Orat.* 46.)

## VI

### Trajan and the Christians

APART from a possibly greater insistence on some observance of the imperial cult, which, however, we have seen reason to think was applied more as a test than as a universal obligation, there was probably little to distinguish the government attitude towards Christians in the provinces under Domitian from that under Nerva and Trajan.

For the policy, if it can be called so, of the latter, very important information—though its importance may easily be exaggerated—is afforded us owing to the fortunate circumstance that a literary man was sent out as governor to Bithynia, and that his correspondence with the emperor on a variety of matters relating to the administration of the province was published after his death, together with his other letters. Had this correspondence shared the fate of so many other classical works, or had the governor's inquiry or the emperor's rescript shared the usual fate of similar documents, even more important in themselves, and remained stored away with the other *commentarii principis* in the imperial *scrinia*, we should have had much less clue to the attitude of the government in the second century, and much that is now tolerably clear and consistent would have seemed improbable or obscure.

The province of Bithynia-Pontus had from republican times a considerable Jewish population, <sup>1</sup> probably

<sup>1</sup> Cic. *pro Flacc.* 28.



collected mainly in its large cities, e.g. Nicomedia and Nicaea, Apamea, and perhaps Sinope and Amisus. It has been already mentioned that it was to places with large Jewish settlements, especially if they lay on important commercial routes rendering communication easy, that the earliest Christian missionaries first betook themselves. Paul himself, in his second missionary journey, had intended to enter Bithynia, but was prevented by the Spirit.<sup>2</sup> Professor Ramsay supposes that Christianity would first enter Bithynia along the trade route from the Cilician gates, by way of Tyana and Caesaraea of Cappadocia to Amisus, and that it probably arrived here between 65 and 75 A.D.<sup>3</sup> There were certainly Christians in the province when 1 Peter was composed; <sup>4</sup> and there were instances of apostasy from it as early as 87 A.D.<sup>5</sup> The province, which together with Asia was the first to have a temple built to Rome and Augustus,<sup>6</sup> was under senatorial administration; but owing to misunderstandings between proconsuls and provincials<sup>7</sup> to the prevalence of factions in the cities,<sup>8</sup> and to financial disorders,<sup>9</sup> Trajan found it advisable in 111 A.D. temporarily to take the province into his own administration, and to send out a special *legatus*, with a view to the reformation of abuses<sup>10</sup> and the re-establishment of its financial stability. For this purpose he selected Pliny, as one who had some acquaintance with Bithynian affairs,<sup>11</sup> had had some experience of finance,<sup>12</sup>

<sup>2</sup> Acts xvi. 6.      <sup>3</sup> p. 225.

<sup>4</sup> 1 Pet. i. 1 ἐκλεκτοῖς παρεπιδήμοις διασπορᾶς Πόντου, Γαλατίας, Καππαδοκίας, Ἀσίας καὶ Βιθυνίας,

<sup>5</sup> *Ad Trai.* 96, 6, where some of the accused assert that they had left the Christian body twenty-five years before.

<sup>6</sup> Dio Cass. li. 20.

<sup>7</sup> Plin. *Ep.* iii. 9 and v. 20.

<sup>8</sup> Plin. *ad Trai.* 34: "Sed meminimus provinciam istam et praecipue eas civitates eiusmodi factionibus esse vexatas."

<sup>9</sup> Plin. *ad Trai.* 17 A; 32, 1, etc.

<sup>10</sup> Plin. *ad Trai.* 32, 1: "Memineris ideirco te in istam provinciam missum quoniam multa in ea emendanda apparuerint."

<sup>11</sup> He had been counsel both for Julius Bassus and for Varenus Rufus, who were accused by the province of *repetundae*.

<sup>12</sup> He had been *praefectus* both of the *aerarium Saturni*, and of the *aerarium militare*.

and also, no doubt, as a man of known moderation and high character.

Pliny reached his province in September, 111 A.D.,<sup>13</sup> and from that time till the beginning of 113 A.D. we have sixty letters written by him to Trajan, asking advice on all sorts of matters connected with the administration of the province—some of them extremely trivial—and forty-eight replies on the part of the emperor. How long Pliny remained in Bithynia we do not know. The letters, which seem to be arranged chronologically,<sup>14</sup> show that during the time mentioned he was passing through from west to east, arranging matters as he went successively at Prusa,<sup>15</sup> Nicomedia,<sup>16</sup> Nicaea,<sup>17</sup> Heraclea,<sup>18</sup> Sinope,<sup>19</sup> and Amisus,<sup>20</sup> while the last letter in which the place is specified is written from Amastris<sup>21</sup>—a city which, on account of its remoteness, Pliny was possibly visiting on his return journey by sea. From the abrupt close of the correspondence it has been conjectured, with some plausibility, that Pliny died before his mission was accomplished.

It is unnecessary to discuss here the question whether in ordinary cases the emperors were consulted by their legates to the same extent that Trajan was by Pliny. Probably the exceptional condition of the province was the cause of an exceptionally frequent and minute correspondence, but in the letter with which we are particularly concerned—that about the Christians—there is nothing that might not with equal appropriateness have come from a proconsul of Asia or a legate of Syria. During the first year of Pliny's administration, apparently, the Christian question had remained dormant and it was not till he had arrived at the eastern districts of the province—probably Amisus and its neighbourhood—that Pliny was confronted with the problem,

<sup>13</sup> Plin. *ad Trai.* 17 A.

<sup>14</sup> *Ibid.* my edition, p. 72.

<sup>15</sup> Plin. *ad Trai.* 23.

<sup>17</sup> *Ibid.* 39.

<sup>19</sup> *Ibid.* 90.

<sup>21</sup> *Ibid.* 98.

<sup>16</sup> *Ibid.* 33.

<sup>18</sup> *Ibid.* 75.

<sup>20</sup> *Ibid.* 92.

which, as we have seen, was certainly no new one either in Bithynia or the eastern provinces generally.<sup>22</sup> Nor at first apparently, when certain Christians were brought before his tribunal, did Pliny experience any particular difficulty in dealing with them.<sup>23</sup> It is true that he had

<sup>22</sup> Arnold supposes that the Christian difficulty confronted Pliny first in the neighbourhood of Amaseia and Comana, the centre of the cult of the Cappadocian goddess Enyo, of which Strabo gives an account, xii. 599. But apart from any other difficulties, Amaseia and Comana were not in Bithynia-Pontus, but in Galatia. See Marquardt, *Staatsverw.* i. 359; Arnold *Studien zur Geschichte der Plin. Christenverfolgung*, pp. 32, 33.

<sup>23</sup> "Solemne est mihi, Domine, omnia, de quibus dubito, ad te referre. Quis enim potest melius vel cunctationem meam regere, vel ignorantiam instruere? Cognitionibus de Christianis interfui nunquam: ideo nescio, quid et quatenus aut puniri soleat aut quaeri. Nec mediocriter haesitavi, sitne aliquod discrimen aetatum, an quamlibet teneri nihil a robustioribus differant; detur poenitentiae venia, an ei, qui omnino Christianus fuit, desisse non prosit; nomen ipsum, si flagitiis careat, an flagitia cohaerentia nomini, puniantur. Interim in iis, qui ad me tanquam Christiani deferebantur, hunc sum secutus modum. Interrogavi ipsos, an essent Christiani: confitentes iterum ac tertio interrogavi, supplicium minatus: perseverantes duci iussi. Neque enim dubitabam, quaecumque esset, quod faterentur, pertinaciam certe, et inflexibilem obstinationem debere puniri. Fuerunt alii similis amentiae: quos, quia cives Romani erant, adnotavi in urbem remittendos. Mox ipso tractatu, ut fieri solet, diffundente se crimine, plures species inciderunt. Propositus est libellus sine auctore, multorum nomina continens. Qui negabant se esse Christianos, aut fuisse, quum, prae-eunte me, deos appellarent, et imagini tuae, quam propter hoc iusseram cum simulacris numinum adferri, thure ac vino supplicarent, praeterea maledicerent Christo, quorum nihil cogi posse dicuntur, qui sunt revera Christiani, dimittendos esse putavi. Alii ab indice nominati, esse se Christianos dixerunt, et mox negaverunt: fuisse quidem, sed desisse, quidam ante triennium, quidam ante plures annos, non nemo etiam ante viginti quinque. Omnes et imaginem tuam, deorumque simulacra venerati sunt, et Christo maledixerunt. Adfirmabant autem, hanc fuisse summam vel culpae suae, vel erroris, quod essent soliti stato die ante lucem convenire, carmenque Christo, quasi Deo, dicere secum invicem, seque sacramento non in scelus aliquod obstringere, sed ne furta, ne latrocinia, ne adulteria committerent, ne fidem fallerent, ne depositum appellati abnegarent: quibus peractis morem sibi discedendi fuisse, rursusque coeundi ad capiendum cibum, promiscuum tamen, et innoxium: quod ipsum facere desisse

never personally been present at any of the "cognitiones de Christianis," which, as we have seen, must have been frequent enough in the province since 64 A.D., but there were, no doubt, permanent officials who could inform him of the course usually taken; and, as Professor Ramsay points out with great force, Pliny's action presupposes the development of a more or less regular form of procedure.<sup>24</sup> A number of persons were brought before him "tanquam Christiani." The course he adopted was to ask them, no doubt singly, whether they were Christians. Being probably the most prominent members of the sect, they seem all to have acknowledged their religion. Pliny asked them the question a second time, and then a third time, threatening death if they persisted. As this had no effect, he ordered their execution, considering that, whatever their confession of Christianity involved, their obstinacy and invincible disobedience at any rate deserved punishment. By this simple account of the course taken by him, Pliny makes several things perfectly clear. In the first place, the mere profession of Christianity, if persisted in, was unhesitatingly regarded as a capital offence; no investigation was made into any particular charges; the Christians were clearly not punished as members of an illegal association, nor for refusal of the imperial cult, nor for atheism; they were executed because they

post edictum meum, quo secundum mandata tua hetaerias esse vetueram. Quo magis necessarium credidi, ex duabus ancillis, quae ministrae dicebantur, quid esset veri, et per tormenta quaerere. Sed nihil aliud inveni quam superstitionem pravam immodicam. Ideo, dilata cognitione, ad consulendum te decucurri. Visa est enim mihi res digna consultatione, maxime propter periclitantium numerum. Multi enim omnis aetatis, omnis ordinis, utriusque sexus etiam, vocantur in periculum, et vocabuntur. Neque civitates tantum, sed vicos etiam atque agros superstitionis istius contagio pervagata est: quae videtur sisti et corrigi posse. Certe satis constat, prope iam desolata templa coepisse celebrari, et sacra solemnia diu intermissa repeti, pastumque venire victimarum, cuius adhuc rarissimus emptor inveniebatur. Ex quo facile est opinari, quae turba hominum emendari possit, si sit poenitentiae locus." Plin, *ad Trai.* 96.

<sup>24</sup> p. 217.

avowed themselves Christians. To suppose that Pliny took this perfectly definite and decided course without precedent is quite impossible: there cannot, in my opinion, be the smallest doubt that the course which he pursued had already been pursued—probably not without some sort of guidance from Rome—if not in Bithynia, at any rate in some of the neighbouring provinces. Nor, as we shall see, does Pliny ask for any sort of guidance from Trajan in reference to these cases: he assumes what in fact Trajan's answer fully confirms, that his course was the regular one, and would be approved. It was in fact the logical result, as we have already seen, of the Neronian action. For while with this action it was not in the least degree inconsistent that there should have been for the most part a practical toleration of the Christians in the provinces, as long as public order and the state of popular feeling made this compatible with the police responsibility of the governors, yet, on the other hand, the Christians, insignificant as they were, had been pronounced and were no doubt recognised as "hostes humani generis," potentially rebels to the state authority. As such they were always, just as brigands were, liable to punishment, and if their punishment was demanded with any amount of popular insistence, there was certainly no reason why they should not receive it.

But all the cases which Pliny had to decide were not of the same simple character as those above described. The Christians were especially numerous in the district from which he wrote, and proceedings once begun, more complicated cases occurred.<sup>25</sup> An anonymous indictment was put in containing a long list of names. Of these some denied absolutely that they either were or ever had been Christians, and to them Pliny applied certain tests which experience had shown to be conclusive in identifying Christians,<sup>26</sup> requiring them to

<sup>25</sup> "ipso tractatu plures species inciderunt."

<sup>26</sup> Plin. *ad Trai.* 96, 5: "Quorum nihil posse cogi dicuntur qui sunt re vera Christiani." Cf. Tert. *Apol.* 3 "Excludimur enim (de nomine) si facimus quae faciunt non Christiani."



call upon the gods, to worship Caesar's image,<sup>27</sup> and to curse Christ. On their compliance with these demands he ordered these to be released. Others, however, gave more prevaricating answers, at first confessing their Christianity, then denying it, and finally affirming that they had left the community, some of them for a considerable number of years, one or two alleging that they had ceased to be Christians twenty-five years ago.<sup>28</sup> All of these complied with Pliny's tests, but at this point his course was not so clear. Being no longer Christians, they could no longer be punished as such, i.e. as "hostes humani generis," but before releasing them Pliny had to consider certain offences which, sometimes in the shape of vague reports, sometimes no doubt in the form of definite charges, had been attributed to the Christian body—charges especially of child-murder at their social meetings, and of incestuous immorality. If the Christians were really guilty of these enormities, it was by no means clear that those who, as Christians, had committed them, even though it was years ago, should be set free merely because they no longer belonged to the body. Pliny accordingly, as all provincial governors by virtue of their police authority could do if they liked, proceeded to more particular investigations, first by cross-examining, either with or without torture, these renegades. What he learnt from them was that the Christians were in the habit of meeting at stated intervals, no doubt on the Lord's day, before dawn for a religious service in which hymns were sung to Christ as to a god, and an oath was taken<sup>29</sup> by the members

<sup>27</sup> It is perfectly clear that in Bithynia the requirement to worship the emperor was used simply as a test; the refusal of the Christians was not the reason of their punishment. Those originally executed were not required to worship the emperor at all.

<sup>28</sup> This, as already pointed out, carries us back to 87 A.D., and may point to some action against the Christians in Bithynia under Domitian.

<sup>29</sup> It is interesting to note what Foucart (*Des Associations religieuses chez les Grecs*, p. 182) says of the mysteries at Andania: "Une certain nombre d'hommes et de femmes . . . s'engagent



to refrain from thefts, robberies, adultery, false swearing and dishonesty, while later in the day they met again for a common meal, i.e. the Agape, at which the food was of the ordinary kind, and the proceedings quite harmless. To confirm the evidence of past members of the sect, Pliny next proceeded to put to the torture two slave women, who were deaconesses in the community, but in spite of the application of torture he could discover nothing further about Christianity except that it was a strange form of religious belief, which distorted the minds of its adherents, and was of an exaggerated and exciting character. There was therefore no reason on the score of these accusations why recantation should not be followed by pardon. We should imagine, both on general grounds and from the existence of a test like that of adoring the emperor's image, that this was the course which had usually been pursued, but it would depend on the governor's discretion, and Pliny, who sought for the emperor's guidance and sanction in much more trifling affairs than this, considering also perhaps that the province was in an exceptional state, determined to consult Trajan before he decided these or any fresh cases. He was the more induced to do this as the inquiries already made had revealed to him the fact that the Christians were extremely numerous in Bithynia; that both men and women of every age and of every rank were implicated in the charge, and that not only the large cities but the small country towns and even the villages were infected with the superstition. Nor was this altogether a sudden growth which a little well-timed severity would put down, for Pliny knew quite well that according to Roman law "*grassantibus delictis exacerbanda esse supplicia quoties multis peccantibus exemplo est opus.*" The state of things which he describes must have been of fairly long standing, for the temples were almost deserted, the sacred rites had long since been discontinued, and no purchaser could be found for the fodder

par un serment solennel à ne pas commettre et à ne laisser commettre aucune action injuste ou honteuse qui puisse ruiner les mystères."

of the sacrificial victims. Pliny himself is clearly of opinion that a lenient course should be adopted in the case of all who had abjured their Christianity and who complied with the tests he proposed. It was, in fact, the principal object of his letter to obtain Trajan's consent to this course—a course which he believed would soon re-establish religion in the province. But though this was his main object in writing to Trajan, he probably intended to suggest, though he did not venture openly to recommend, further modifications in the procedure against the Christians. His own investigations had apparently convinced him that the Christians were neither dangerous nor immoral: their *obstinatio* no doubt deserved death, but was it necessary to pursue a course which called forth this *obstinatio*? Accordingly, he begins his letter with several general questions, the answers to which would really involve a reconsideration of the attitude taken up by the government towards the sect. Not having been present at any of the trials, he does not understand “quid et quatenus aut puniri soleat aut quaeri?” As we have seen, there was little precision in these matters; the magisterial *coercitio* was not marked in any case by a formal procedure, and with regard to the Christians the governors had probably accommodated their proceedings to the local circumstances, sometimes punishing members of the sect (as they always could do) merely as Christians, sometimes as “atheists,” sometimes perhaps as belonging to a *collegium illicitum*, sometimes even as child-murderers. Similarly the judicial investigation would take now a wider now a narrower scope, sometimes merely seeking to establish the fact of Christianity, sometimes entering into a variety of particular charges. In view of what he had himself discovered about the religion, this vagueness appeared unsatisfactory to Pliny, and he asks for a definite answer to the question whether the mere profession of Christianity (“nomen ipsum”), even if no definite acts of immorality could be proved (“si flagitiis careat”), was what deserved punishment, or whether it was the abominable crimes which were sup-

posed to be involved in the profession ("flagitia coherrentia nomini"). Pliny's own prompt and unhesitating punishment of those first brought before him proves him to have been not unaware that the "nomen ipsum" was, as matters stood, deserving of death; and the fact that he nevertheless asks the question shows his own leanings towards a less summary course—a leaning which he still further emphasises by his second question whether some difference should not be made in respect to age,<sup>30</sup> so that young boys and delicate maidens who, as we know from other sources, often figured among the martyrs, might be treated with less rigour than those of more mature age.

Such, as I conceive it, was the point of view from which Pliny wrote his famous letter. Trajan's reply is brief and decisive: "You have adopted the proper course, my dear Pliny, in distinguishing between the cases of the Christians who have been brought before you. For no general or definite rule can be laid down. They need not be hunted out, but if brought before you and convicted they must be punished. Those, however, who deny their Christianity, and prove their denial by an act of worship to our gods, may wipe out past suspicions and secure a free pardon by recantation. Anonymous accusations of all sorts are inadmissible: they are the worst possible precedents, and contrary to the spirit of our time."<sup>31</sup> In this rescript Trajan does not

<sup>30</sup> If the charge had been technically one of *sacrilegium*, there would have been no need to ask the question, for Ulpian says (*Dig.* xlviii. 13, 7): "Sacrilegii poenam debet proconsul pro qualitate personae, proque rei conditione et temporis et aetatis et sexus vel severius vel clementius statuere."

<sup>31</sup> "Actum quem debuisti, mi Secunde, in excutiendis causis eorum, qui Christiani ad te delati fuerant, secutus es. Neque enim in universum aliquid, quod quasi certam formam habeat, constitui potest. Conquirendi non sunt: si deferantur et arguantur, puniendi sunt: ita tamen, ut, qui negaverit se Christianum esse, idque re ipsa manifestum fecerit, id est, supplicando diis nostris, quamvis suspectus in praeteritum fuerit, veniam ex poenitentia impetret. Sine auctore vero propositi libelli, in nullo crimine locum habere debent. Nam et pessimi exempli nec nostri saeculi est."

directly touch on any of the humanitarian considerations which Pliny had somewhat covertly suggested. The vague procedure of which Pliny complained was necessary: cases must be taken as they come: no general rule and no formal procedure can be laid down. The profession of Christianity is in itself a criminal offence, and persons convicted of it are to be executed. But two concessions are made: (1) there is no need for the police authorities to take the initiative and to search for offenders, as by the general instructions given to provincial governors they are bound to do in the case of *latrones*, *sacrilegi*, *plagiarii*,<sup>32</sup> etc. clearly because, though like these they were outlaws and liable to punishment, unlike them they were not active enemies of society, and the peace of the province did not require their extermination: in other words, Trajan did not regard them as a political danger; (2) and, directly in answer to Pliny's appeal, the denial of Christianity was to be followed by pardon on compliance with the usual tests: in other words, Trajan was willing with Pliny to give them the benefit of any doubt there might be as to their alleged *flagitia*,<sup>33</sup> which, as already stated, could by no means be condoned by a simple withdrawal from the Christian body. A further decision on the inadmissibility of anonymous accusations had nothing specially to do with the Christians, though it included their case.

This rescript of Trajan has, as is well known, been regarded from two opposite points of view. By the Christian Apologists it was looked upon as a measure favourable to the Christians, mitigating and discountenancing their persecution, and practically acquitting

<sup>32</sup> *Dig.* i. 18, 13: "Congruit bono et gravi praesidi curare ut pacata atque quieta provincia sit quam regit, quod non difficile obtinebit, si sollicite agat ut malis hominibus provincia careat, eosque conquirat: nam et sacrilegos, latrones, plagiarios, fures conquirere debet, et prout quisque deliquerit in eum animadvertere."

<sup>33</sup> Cf. *Min. Fel. Octav.* 28: "Et si qui infirmior malo pressus et victus Christianum se negasset, favebamus ei, quasi eierato nomine iam omnia facta sua illa negatione purgaret."

them of the charges made against them.<sup>34</sup> On the other hand, many modern writers, especially German scholars,<sup>35</sup> regard it as the first legal authorisation of persecution: as the virtual proscription of Christianity. From all that has been already said it will be clear that the latter view is absolutely groundless. Trajan, with certain modifications, not touching the principle of persecution, confirms Pliny's action, and Pliny's action was based on precedents, either in his own or in other provinces, which had certainly been directly or indirectly sanctioned from Rome. The former view is much nearer the truth, though it is undoubtedly coloured by the tendency common to all the Apologists to represent the "good emperors" as favourable to Christianity. Trajan was not favourable to Christianity, the principles of which he recognised, as his predecessors since Nero must have done, to involve disobedience and therefore disaffection to the state. But the question was, apart from danger to the empire which was not worth considering, whether the peace and good order of the provinces would be best promoted by insisting on this disaffection and waging a war of extermination with the Christians—a course which was seldom or never rigorously pursued even in the case of brigands—or, without giving up the principle of their criminality, by allowing the governor at his discretion to extend a practical toleration to the sect, and to encourage secession from it by holding out the hope of pardon to seceders. This may be called a half-measure by those who criticise Trajan's action in the light of subsequent events, or a compromise by those who credit him with an insight into the meaning of the Christian development which it is extremely unlikely that he possessed. As a matter of fact, it was

<sup>34</sup> See especially Tertullian, *Apol.* 5: "Quales ergo leges istae quas adversus nos soli exsequuntur impii, iniusti, turpes, truces, vani, dementes? quas Traianus ex parte frustratus est vetando inquiri Christianos."

<sup>35</sup> E.g. Overbeck, *Studien zur Geschichte der alten Kirche*, 1875, pp. 93–157. The same view is taken by Aubé, and by Dierauer, *Zur Geschichte Trajans*, p. 118.



the decision of a practical statesman, who declined on the one hand to be led into severe repressive measures against a body which was only remotely and theoretically dangerous to the state, while he on the other refused to give up on humanitarian grounds the claim of the state to absolute obedience on the part of all its subjects.<sup>36</sup> Tertullian's rhetorical dilemma, "negat inquirendos ut innocentes et mandat puniendos ut nocentes,"<sup>37</sup> rests on a not unnatural misunderstanding of the government point of view. That point of view, indeed, from which the name of Christian was by itself deserving of punishment, from which Christians as such were regarded as *hostes publici*, as imbued with an "odium generis humani," as characterised by an *obstinatio* which was the negation of complete political obedience—a point of view dating, as we have seen, from 64 A.D.—rested as yet on somewhat abstract grounds.

To the political government and administration of the empire the Christians were never anything but loyal subjects: "Fear God and honour the king," was the maxim which expressed clearly enough their relationship to the secular and political life around them. But in practice it was impossible to separate the political from the religious life of the empire, and in regard to the latter the Christian maxim had from the first been stated in a form which by its implied reservation meant passive

<sup>36</sup> As Mommsen says (*Histor. Zeitschr.* p. 417), "Wenn für die römische Nationalität der römische Glaube nur ein anderer Ausdruck war, so hat der römische Staat gegenüber einem Proselytismus, der den römischen Glauben aufhebt, in Selbstverteidigung gestanden, und auch die Geschichte erkennt das Recht der Nothwehr an."

<sup>37</sup> Tert. *Apol.* 2: "O sententiam necessitate confusam! Negat inquirendos ut innocentes, et mandat puniendos ut nocentes. Parcit et saevit, dissimulat et animadvertit. Quid temet ipsum censura circumvenis? Si damnas, cur non et inquiris? si non inquiris, cur non et absolvis? Latronibus vestigandis per universas provincias militaris statio sortitur: in reos maiestatis et publicos hostes omnis homo miles est: ad socios ad consocios usque inquisitio extenditur. Solum Christianum inquiri non licet, offerri licet: quasi aliud esset actura inquisitio quam oblationem."



resistance, if no more, to the omnipotence of the state : "Render unto Caesar the things that be Caesar's, and to God the things that be God's." The state religion, quite apart from any belief or disbelief in it on the part of either the ruler of the empire or its subjects, was nevertheless, at any rate since Augustus—sometimes with more insistence, as under Domitian and M. Aurelius ; sometimes with greater laxity, as under Nero and perhaps under Hadrian—always regarded as a part of the imperial organisation,<sup>38</sup> the chief pontificate being as necessary and universal, if not as important, a part of the attributes of the *princeps* as the tribunician power or the "imperium proconsulare." Outward respect to this state worship of the national gods, if not regular conformity with its public ceremonials, was expected, not only from all Roman citizens, but from all subjects of the empire.<sup>39</sup> But respect for her and conformity with what was to them the worship of idols the Christians absolutely and always refused : this refusal was *obstinatio* or political disobedience, and political disobedience was the attribute of a "publicus hostis."<sup>40</sup> The outlawed position, therefore, of the Christians, that which made the "nomen ipsum" deserving of punishment, was primarily their religion, their Christianity *per se* ; and yet, if we interpret the situation into modern language, they were punished on political and not on religious grounds, be-

<sup>38</sup> Professor Ramsay, approved by Mommsen, says the "key-stone" of it. This may have been intended by Augustus, but it seems to me that this was a part of the Augustan system which was never fully worked out by his successors. Mommsen's own language is less open to objection when he says that the national religion was "the spiritual symbol of the political union." *Expositor*, July, 1893, p. 3.

<sup>39</sup> See the *Acta Cypriani* (praef. p. cx in Hartel) : "Imperatores . . . praeceperunt eos qui Romanam religionem non colunt debere Romanas caerimonias recognoscere."

<sup>40</sup> Tertull. *Apol.* 35 : "Propterea igitur publici hostes Christiani quia imperatoribus neque vanos neque mentientes neque temerarios honores dicant," etc. Cf. 37 : "Sed hostes maluistis vocare generis humani." Cf. 6 : "In quo principaliter reos transgressionis Christianos destinatis, studium dico deorum colendorum."

cause it was not the slight to the national religion which the government really cared about, but the disobedience shown through the religion to the imperial government. It is on this account that I describe the opposition supposed to exist by the government between itself and Christianity as a somewhat abstract and shadowy one. It is inconceivable to me that either Nero or Domitian or Trajan saw in Christianity anything more than an abstract danger. Not till the Christian bodies became a Church organised throughout the empire with bishops at their head, one of whose duties it may have been to bring the scattered communities into a more living touch with one another ; not till Christianity became what Judaism had been before the great war on a smaller scale and within national limits—a state within the state—was the abstract danger developed into a real one, recognised as such, and met by systematic measures of repression.<sup>41</sup>

This development, however, had not taken place when Trajan sent his rescript to Pliny, and for more than a century after this the persecution of the Christians, though “permanent, like that of brigands,” was probably never systematic nor general, proceeding as it did, not from a deliberately hostile policy on the part of the government, which, on the contrary, tolerated the Christians as far as it could consistently with the peace and good order of the provinces, but from the bitter and rancorous hatred of the provincial populations, to which concessions had to be made—a hatred which, as we have seen, was partly, especially in the fanatical East, a religious hatred against “atheists” as deniers of the local divinities, partly a social hatred against the disturbers of trade interests, and the despisers and denouncers of so many features in social life, partly a would-be-moral loathing against the practising of immoral abominations—abominations which were morbidly believed in, as such things usually are, with a credulity which neither needs nor heeds corroboration or refutation.<sup>42</sup> “If,”

<sup>41</sup> See below on p. 126.

<sup>42</sup> The resemblance, such as it is, to Mommsen's language in the *Expositor*, p. 2, is accidental. “The conviction that the

says Tertullian, "the Tiber floods the city, or the Nile refuses to rise, or the sky withholds its rain, or disasters occur in the shape of earthquake or famine or pestilence, the cry is raised at once "Christianos ad leones." " <sup>43</sup>

Had the imperial policy worked with the popular hatred instead of checking it, the systematic persecution of the third century would have been anticipated in the first and second ; the whole tone of the Apologists of the second century would have been too absolutely out of harmony with the facts of the situation, and the statement of Origen <sup>44</sup>—a statement the importance of which, it seems to me it is impossible to explain away—that the victims up to his own time were few and far between, could not have been made.

It has been already said that the importance of Trajan's rescript may easily be exaggerated. It was originally a rescript to the particular governor of a particular province, and as such had directly and immediately no wider application, <sup>45</sup> though we cannot doubt that the course which Trajan recommended in Bithynia

Christian conventicles were orgies of lewdness and receptacles of every crime got hold on the popular mind with all the terrible vehemence of aversion that resists all argument and heeds not refutation."

<sup>43</sup> Tertull. *Apol* 40.

<sup>44</sup> Orig. *contra Celsum*, iii. 8 : ὑπομνήσεως χάριν . . . ὀλίγοι κατὰ καιροὺς καὶ σφόδρα εὐαρίθμητοι ὑπὲρ τῆς Χριστιανῶν εὐσεβείας τεθνήκασιν. No doubt the number of those punished short of death may have been greater ; cf. Tert. *Apol.* 12 : "In metalla damnatur . . . in insulas relegamur."

<sup>45</sup> In stating this, I am not unmindful that imperial rescripts (provided that a general principle was implied in them and could be deduced from them) had potentially the force of law. Cf. *Dig.* I. iv. "De Const. Rom." I § 1 Quodcunque igitur imperator per epistolam et subscriptionem statuti vel cognoscens decrevit vel de pluro interlocutus est vel edicto praecepit, legem esse constat. But that does not affect the immediate consequence of Trajan's rescript to Pliny, which, just as much as his other letters to his legate in Bithynia, had primarily a local application. If Trajan had wished his rescript to apply to other provinces, he would have had to send similar instructions to the governors of them. There is no evidence that he did so.

he would also wish to be pursued in other provinces. In all probability, indeed, Pliny was not the only governor who consulted Trajan on the subject: the collection and publication of Pliny's letters has preserved this particular rescript, which may well have been only one among many, just as the persecution in Bithynia almost certainly had its counterpart in other provinces.

To speak of Trajan's letter, therefore, as an edict either of proscription or toleration is a complete misconception of the facts. Undoubtedly, however, though a recommendation given under particular circumstances, it may safely be regarded as an index of the imperial policy.

Before passing from this correspondence, one or two smaller points must be noticed. In a former publication I expressed the view that Pliny punished the Christians as members of a *collegium illicitum*.<sup>46</sup> The bearing of the law regarding *collegia* upon the Christian communities will need some discussion farther on, but I am certainly convinced that Professor Ramsay is right in denying all connexion between the application either of the general law about *collegia*, or Pliny's edict about *hetaeriae* and the prosecution of the Bithynian Christians. Pliny would have enforced his own edict without any need to consult the emperor, and Trajan would certainly have shown no forbearance, toleration, or indulgence to the Christians if he had regarded them as members of a *collegium* or *hetaeria*.

Another point regards the source from which the original charges before Pliny's tribunal and the subsequent anonymous accusation-list proceeded. The latter in particular points to some special and personal motives of malevolence and ill-will. A possible explanation of this is suggested by the last paragraph of Pliny's letter, when he says that already as the result of the measures he had taken, the temples hitherto deserted were again becoming visited by worshippers, ceremonies long since discontinued were resumed, and the fodder of the sacri-

<sup>46</sup> *Pliny's Correspondence with Trajan*, pp. 61, 243.

ficial victims was once more finding purchasers. Here, as at Ephesus, special trades depended on the local cults: Christianity threatened and injured these by diminishing the number of their worshippers, and this special cause of hatred added to the general ill-odour in which the Christians everywhere stood—an ill-odour which, Mommsen has pointed out, was partly an inheritance from their original Jewish antecedents—caused one of those temporary manifestations of popular feeling which were usually the cause of any decided or severe action on the part of the governors.

## VII

### Persecution for the Name

It appears conclusively, both from the letter of Pliny and the rescript of Trajan, that the Christians could be punished for the *nomen* alone, or the mere profession of Christianity, apart from the specification or proof of definite crimes. Professor Ramsay thinks that this was the case only from about 80 A.D. To me it seems that it might have happened at any time since 64 A.D., and since writing the preceding pages I have seen that Mommsen and Professor Sanday both take the same view.<sup>1</sup> Professor Ramsay, as I understand, proposes to show from the Pastoral Epistles, assumed as belonging to a date earlier than 80 A.D., that the Christians were before that time condemned on the ground of specific charges.<sup>2</sup> Surely this, even granting the early date of the Epistles, will be far from conclusive of the question. If the whole matter was one for the police administration of the empire, the proceedings in particular cases would be essentially vague, and would admit of many variations from and modifications of anything like an established precedent. The Neronian trials at Rome no doubt furnished such a precedent, and in them, while probably several specific charges came into consideration, the condemnation was not on the ground of any of them, but of a summary of them all amounting to "odium generis humani": in other words, the Christians were

<sup>1</sup> Mommsen in the *Expositor*, July, 1893, pp. 5, 6; Prof. Sanday in the *Expositor* for June, 1893.

<sup>2</sup> *Expositor*, July, 1893, p. 31.



condemned for what was involved in the name or profession of their sect. Provincial governors could take the same course, and no doubt some of them did, 1 Peter, if we assume its early date, being evidence for it.<sup>3</sup> But, on the other hand, it was quite within their discretion to inquire into and punish specific charges, and in the early days, when Christianity was still a strange and unfamiliar appearance, they would be likely to do this, and any cases which Professor Ramsay may adduce out of the Pastoral Epistles would belong to this category. Indeed, this uncertainty of procedure, though more likely to occur in the early relations between government and Christianity, was apparently a characteristic of it all through. Tertullian complains that the whole matter was "*confessio nominis non examinatio criminis*,"<sup>4</sup> and yet he also says "*sacrilegii et maiestatis rei convenimur*,"<sup>5</sup> and *maiestas* was surely as specific a charge as could be made.

But the language of Tertullian suggests a more important question than that of the precise date at which the "*nomen ipsum*" became punishable—a question which, as far as I can judge, Mommsen's utterances both in the "*Historische Zeitschrift*" and in the "*Expositor*" still leave a little uncertain—viz. whether those who were punished as "*rei maiestatis*" were or were not punished for the name. To all appearance Mommsen answers this question in the affirmative. In the earlier article, after speaking of the conception of the Christian belief as in itself a capital crime, and quoting such well-known passages as 1 Peter iv. 15, and Just. "*Apol.*" i. 11 in support of it, he goes on to say that this conception could not have depended on the edict of this or that particular emperor, but must have been grounded in the essence of the Roman criminal law, and we can see from Tertullian—i.e. in the passage about *maiestas*—how it was juristically to be explained.<sup>6</sup> Still more plainly in the "*Expositor*":<sup>7</sup> "The Christian atheism, the

<sup>3</sup> Especially 1 Peter iv. 15, quoted on p. 62.

<sup>4</sup> Tert. *Apol.* 2.

<sup>5</sup> *Ibid* 10.

<sup>6</sup> *Histor. Zeitschr.* p. 396.

<sup>7</sup> July, 1893.

negation of the national gods, was the contempt of the 'dii publici populi Romani,' in itself high treason, or, as the Christians express it . . . the mere Christian name, the testimony of such atheism, constituted a crime in the eyes of the law." It seems to follow from this that when Christians were condemned as Christians διὰ τὸ ὄνομα, on account of the "nomen ipsum," they were punished as "rei maiestatis." If Mommsen affirms this, that the mere confession "Christianus sum" was tantamount to a conviction under the "lex maiestatis," I do not know who could venture to contradict him; but one would have supposed that no one could be convicted of a definite legal offence like *maiestas* without regular procedure and definite evidence, the absence of which is just what Tertullian and others complain of in the ordinary Christian trials. Again, it is just the absence of these points which characterises what Mommsen in the "Historische Zeitschrift" <sup>8</sup> describes as by far the most common form of state repression in religious matters, the magisterial *coercitio* or general police administration. From this a considerable discretionary power on the part of the magistrate was inseparable, and as soon as ever Christianity was recognised as involving something less than absolute obedience to the state, it is quite conceivable—and the procedure of Pliny is a conclusive case in point—that the confession "Christianus sum," if persisted in, could be followed by a capital sentence. It is possible that I have misunderstood Mommsen's meaning, and found a difficulty where none exists, but at any rate it seems to me that there were at least three, and possibly four, ways in which Christianity might be visited with capital punishment:

(1) On the ground of the *obstinatio* which characterised all Christians as such: the refusal to worship the state gods, the disobedience to the state authority. This rendered all Christians outlaws—"hostes publici"—liable to summary punishment at the hands of the police authorities, either in Rome or the provinces.

<sup>8</sup> pp. 410 foll.

This was punishment for the name only, and under this head by far the majority of cases of persecution fell.<sup>9</sup>

(2) The refusal to worship the state gods, which from the first point of view was *obstinatio*, from another was ἀθεότης, and this, involving as it did contempt for the "dii publici populi Romani," though apparently not originally falling under it, could be, and in some cases certainly was, brought under the head of *maiestas*. This is the "crimen laesae Romanae religionis," the "irreligiositatis elogium" of Tertullian,<sup>10</sup> and it is quite possible that recourse was had to this more formal procedure oftener in Tertullian's time than in Pliny's, and in the western more than in the eastern provinces.

(3) The refusal to worship the emperor might be taken, not simply as a proof of Christianity, as in the Bithynian cases, but as violating the *maiestas* of the emperor. That is what Tertullian describes as "secundus titulus laesae augustioris maiestatis."<sup>11</sup>

(4) The Christians might in certain cases be proceeded against as homicides, or *incesti*, or magicians. Those cases, however, would certainly be rare, such charges being usually rather thrown in informally to create a prejudice against the Christians than put forward as substantial accusations.<sup>12</sup>

If the rescript of Trajan is not important as laying down a new or imperial policy with regard to the Christians, it nevertheless furnishes us with the first authentic evidence as to the view taken of Christianity by the supreme government. Trajan clearly did not regard

<sup>9</sup> It was, beyond controversy, under this head that the action of Pliny would fall.

<sup>10</sup> Mommsen, *Hist. Zeitschr.* p. 396; Tert. *Apol.* 24.

<sup>11</sup> Tert. *Apol.* 28 and 10: "Deos, inquit, non colitis, et pro imperatoribus sacrificia non impenditis."

<sup>12</sup> Tert. *Apol.* 2: "Quando si de aliquo nocente cognoscitis non statim confesso eo nomen homicidae vel sacrilegi vel incesti vel publici hostis (ut de nostris elogiis loquar) contenti sitis ad pronuntiandum, nisi et consequentia exigatis." Cf. c. 4: "Incestus sum, cur non requirunt? infanticida, cur non extorquent? in deos, in Caesares aliquid committo, cur non audior, qui habeo quo purger?" Cf. Athenag. *Supplic.* 3: τρία ἐπιφημίζουσιν ἡμῖν ἐγκλήματα, ἀθεότητα, Θυέστεια δειπνα, Οἰδιποδείους μίξεις.

the religion as a political danger within the range of practical politics : he does not forbid prosecution—he, in fact, in certain cases authorises it—but he evidently wishes to confine it within the narrowest limits consistent with the peace of the province, the governor undoubtedly having a very great discretionary power allowed him, since he could always invite accusations, though he could not initiate them. Eusebius seems very correctly to sum up the situation when he says<sup>13</sup> that those who wished to injure the Christians had no more difficulty in finding excuses than before ; that sometimes the populace, sometimes particular governors, contrived means of attacking them, though these attacks were always partial, confined to particular provinces, and not open and public prosecutions. There seems good reason to suppose that this state of things—a general indulgence and toleration on the part of the emperors, occasionally interrupted by violent manifestations of popular feeling, which provincial governors had either not the will or not the strength to resist—continued throughout the second century : that the Christians were still punished for the name, but that the initiative in the way of searching them out was not taken by the governors, while accusers had to come forward in their own name ; and finally, that the number of victims was on the whole a comparatively small one. It must be admitted that the evidence for this state of things comes for the most part from the Christian Apologists : from Justin Martyr, from Melito, from Athenagoras, from Minucius Felix, and especially from Tertullian. It cannot be denied that there were to a certain extent two streams of tradition in the early Church, one exoteric, the other esoteric.<sup>14</sup> In the latter the standing opposi-

<sup>13</sup> Euseb. *H. E.* iii. 33 : οὐ γενομένου ποσῶς μὲν τοῦ διωγμοῦ σβεσθῆναι τὴν ἀπειλὴν σφοδρότατα ἐγκειμένον, οὐ χείρονάς γε μὴν τοῖς κακουργεῖν περὶ ἡμᾶς ἐθέλουσι λείπεσθαι προφάσεις, ἔσθ' ὅπη μὲν τῶν δῆμων, ἔσθ' ὅπε δὲ καὶ τῶν κατὰ χώρας ἀρχόντων τὰς καθ' ἡμῶν συσκευαζομένων ἐπιβουλὰς, ὡς καὶ ἄνευ προφανῶν διωγμῶν μερικῶς κατ' ἐπαρχίαν ἐξάπτεσθαι.

<sup>14</sup> Overbeck, *Studien zur Geschichte der alten Kirche.*

tion between the Church and the world tends to be represented as a practically standing persecution of the Church by the state. This was not altogether an unnatural view, and, as we have seen, was not without some elements of historic truth—elements which, fused with much later tradition, nevertheless form some groundwork for the criticism of the “Acta Martyrum.” On the other hand, the Apologists were men of culture and education above the majority of Christians: they were to some extent scholars and philosophers, students of history, acquainted, some of them, even with the principles of Roman law.<sup>15</sup> Their Apologies were intended, not for their fellow-Christians, but to reach the ears of the Roman government. It is therefore impossible to suppose that the representation which they give of the state of affairs is entirely unhistorical, or that they could possibly describe the emperors of the second century, their own contemporaries, as tolerant and indulgent, if in reality they were the authors and promoters of a definite policy of persecution. But while the general *bona fides* of Apologists must thus be admitted, it is none the less true that the tradition to which their writings gave rise was from its very nature an exoteric one. It was to the interest of Christianity, of which they stood forward as the Apologists, to accentuate and in a measure to exaggerate the indulgent attitude of the government, especially in the period preceding their own, or at any rate to omit anything unfavourable to their own cause. Thus Justin draws attention to the favourable rescript of Hadrian,<sup>16</sup> but says nothing of the isolated cases of persecution, such as that of Telesphorus at Rome, which undoubtedly took place under that capricious emperor. Melito, while mentioning the same rescript of Hadrian,<sup>17</sup> and some letters written to various cities by Antoninus Pius forbidding any violent or riotous behaviour against

<sup>15</sup> Thus Eusebius (*H. E.* ii. 2) says of Tertullian : τοὺς Ῥωμαίων νόμους ἠκριβωκῶς ἀνὴρ.

<sup>16</sup> Justin. *Apol.* i. 68.

<sup>17</sup> Quoted in Euseb. *H. E.* iv. 26, 10.



the Christians,<sup>18</sup> makes no mention of the martyrdom of Polycarp; while Tertullian considers M. Aurelius as a protector rather than otherwise of Christianity<sup>19</sup>—a view, as Mommsen points out, not without some historical foundation<sup>20</sup>—while making no reference to the severe and widespread persecution which took place in his reign. Taking, therefore, the evidence of the Apologists, and remembering that antecedent and *a priori* objections to it are to a very great extent removed by the undisputed evidence afforded by the rescript of Trajan, we may regard the following points as established.

(1) The Christians subsequently to as before the rescript of Trajan were punished generally for the name, i.e. not on the technical ground of *maiestas* (though this may have been the charge in particular cases, especially since the rescript of Hadrian), but for the inherent disloyalty to the state involved in their ἀθεότης, and manifested in the *obstinatio* with which they clung to it. The following passages, among many others, are sufficient to establish this. Justin says: ἐφ' ἡμῶν δὲ τὸ ὄνομα ὡς ἔλεγχον λαμβάνετε . . . Χριστιανοὶ γὰρ εἶναι κατηγοροῦμεθα . . . ἐὰν δέ τις ὁμολογήσῃ εἶναι, διὰ τὴν ὁμολογίαν κολάζετε:<sup>21</sup> and again ὡς καὶ ἐκ τοῦ ἀνεταζομένου ὑφ' ἡμῶν ὁμολογεῖν εἶναι Χριστιανούς, γινώσκοντες τῷ ὁμολογοῦντι θάνατον τὴν ζημίαν κείσθαι:<sup>22</sup> and once more, καίπερ θανάτου ὀρισθέντος κατὰ τῶν διδασκόντων ἢ ὅλως ὁμολογούντων τὸ ὄνομα τοῦ Χριστοῦ.<sup>23</sup> Similarly, in the account of the trial of Ptolemaeus, at Rome:<sup>24</sup> Τελευ-

<sup>18</sup> *Ibid. loc. cit.*: ὁ δὲ πατήρ σου, καὶ σοῦ τὰ σύμπαντα διοικοῦντος αὐτῷ, ταῖς πόλεσι περὶ τοῦ μηδὲν νεωτερίζειν περὶ ἡμῶν ἔγραψεν, ἐν οἷς καὶ πρὸς Λαρισσαίους καὶ πρὸς Θεσσαλονικεῖς καὶ Ἀθηναίους καὶ πρὸς πάντας Ἕλληνας.

<sup>19</sup> Tert. *Apol.* 5: "Ceterum de tot exinde principibus usque ad hodiernum divinum humanumque sapientibus, edite aliquem debellatorem Christianorum. At nos e contrario edimus protectorem si litterae M. Aurelii gravissimi imperatoris requirantur," etc.

<sup>20</sup> *Histor. Zeitschr.* p. 400, note 3.

<sup>21</sup> Justin. *Apol.* i. 4.

<sup>22</sup> Justin. *Apol.* i. 11.

<sup>23</sup> *Ibid.* i. 45.

<sup>24</sup> *Ibid.* ii. 2. He expressly says, ii. 1, that this procedure



ταῖον δὲ ὅτε ἐπὶ Οὐρβικον ἦλθεν ὁ ἄνθρωπος ὁμοίως αὐτὸ τοῦτο μόνον ἐξητάσθη εἰ εἶη Χριστιανός . . . καὶ τοῦ Οὐρβίκου κελεύσαντος αὐτὸν ἀπαχθῆναι Λούκιός τις καὶ αὐτὸς ὢν Χριστιανὸς ὁρῶν τὴν ἀλόγως οὕτως γινομένην κρίσιν πρὸς τὸν Οὐρβικον ἔφη Τίς ἡ αἰτία ; . . . ὀνόματος Χριστιανοῦ προσωνυμίαν ὁμολογοῦντα τὸν ἄνθρωπον τοῦτον ἐκολάσω. In the same way Tertullian says, " illud solum expectatur . . . confessio nominis non examinatio criminis : " <sup>25</sup> and " non scelus aliquod in causa esse sed nomen . . . ut nomen . . . de sua sola confessione damnetur . . . Christianus si nullius criminis reus est, nomen valde infestum, si solum nominis crimen est." <sup>26</sup>

(2) Recantation was followed by pardon. Thus Justin says : <sup>27</sup> εἰ μὲν τις τῶν κατηγορουμένων ἔξαρνος γένηται, τῇ φωνῇ μὴ εἶναι φήσας, ἀφίετε αὐτὸν, ὥς μηδὲν ἐλέγχειν ἔχοντες ἀμαρτάνοντα. In the persecution at Lugdunum under M. Aurelius, perhaps in consequence of the incriminating evidence of slaves with regard to the *Θυέστεια* δειπνα and *Οἰδιπόδαιοι* μίξεις, the governor took a different course, and those who denied their religion were shut up in prison. <sup>28</sup> This action, however, was due to the arbitrary conduct of an unusually hostile governor, and was not sanctioned by the emperor, whose rescript was to the effect that

was universal : τὰ πανταχοῦ ὁμοίως ὑπὸ τῶν ἡγουμένων ἀλόγως πραττόμενα.

<sup>25</sup> Tert. *Apol.* 2.

<sup>26</sup> *Ibid.* 2 ad fin. Cf. also Hermas, *Simil.* 9, 28 : ὅσοι ποτὲ ἔπαθον διὰ τὸ ὄνομα ἐνδοξοί εἰσι παρὰ τῷ θεῷ . . . ὅτι ἔπαθον διὰ τὸ ὄνομα τοῦ υἱοῦ τοῦ θεοῦ . . . ὅσοι . . . ἐπ' ἐξουσίαν ἀχθέντες ἐξετάσθησαν καὶ οὐκ ἡρῆσαντο κ. τ. λ. Athenagoras, ii. 3 : καὶ γὰρ οὐ πρὸς τῆς ὑμετέρας δικαιοσύνης τοὺς μὲν ἄλλους, αἰτίαν λαβόντας ἀδικημάτων μὴ προτέρων ἢ ἐλεγχθῆναι κολάζεσθαι, ἐφ' ἡμῶν δὲ μείζον ἰσχύειν τὸ ὄνομα τῶν ἐπὶ τῇ δίκῃ ἐλέγχων. Tert. *Apol.* 2 : " Denique quid de tabella recitatis illum Christianum, cur non et homicidam ? " 44 : " Aut cum Christiani suo titulo offeruntur."

<sup>27</sup> Justin. *Apol.* i. 4. Cf. Orig. *Contra Cels.* ii. 13 : Χριστιανοὶ δὲ μόνοι μέχρι τελευταίας ἀναπνοῆς ὑπὸ τῶν δικαστῶν ἐπιτρέπονται ἐξομολογούμενοι τὸν Χριστιανισμὸν καὶ κατὰ πᾶ κοινὰ ἔθνη θύσαντες καὶ ὁμόσαντες οἴκοι γενέσθαι καὶ ζῆν ἀκινδύνως.

<sup>28</sup> Euseb. *H. E.* v. 1, 33 : οἱ γὰρ κατὰ τὴν πρώτην σύλληψιν ἔξαρνοι γενόμενοι συνεκλείοντο καὶ αὐτοὶ καὶ μετεῖχον τῶν δεινῶν, οὐδὲ γὰρ ἐν τῷ καιρῷ τοῦτῃ ὕφελός τι αὐτοῖς ἢ ἐξάρνησις ἐγίνετο.

those who persisted were to be put to death, while those who recanted should be released.<sup>29</sup> In most cases, indeed, the governors were not only willing but anxious to avoid harsh measures against the Christians by obtaining a recantation from them. We have already seen that by Pliny's time the custom had grown up of giving the Christians three chances of abjuring their religion before executing punishment, and this before long developed into the regular practice of torturing the accused in order to force from them, not the confession of their religion, but the denial of it. "Ceteris negantibus," says Tertullian, "adhibetis tormenta ad confitendum, solis Christianis ad negandum."<sup>30</sup> In all probability the practice was originally a rough-and-ready means of saving the Christians from the results of their own obstinacy, and Tertullian tells us of a Cincius Severus who "ipse dedit remedium quomodo responderent Christiani ut dimitti possent."<sup>31</sup> But under tyrannical governors it might easily be turned into the means of gratuitous and abominable cruelties,<sup>32</sup> as in the case of the martyrs at Lugdunum—cruelties which have been perpetuated with all the ingenuity of pious invention in the "Acta

<sup>29</sup> *Ibid.* v. 1, 47: ἐπιστείλαντος γὰρ τοῦ Καίσαρος τοὺς μὲν ἀποτιμω-  
πανισθῆναι, εἰ δέ τινες ἀρνοῦντο, τούτους ἀπολυθῆναι.

<sup>30</sup> Tert. *Apol.* 2; Cf. *ad Scap.* 4: "Quid enim amplius tibi mandatur quam nocentes confessos damnare, negantes autem ad tormenta revocare? Videtis ergo quomodo ipsi vos contra mandata faciatis ut confessos negare cogatis. Adeo confitemini innocentes esse nos, quos damnare statim ex confessione non vultis."

<sup>31</sup> Tert. *ad. Scap.* 4: "Quanti autem praesides et constantiores et crudeliores dissimulaverunt ab huiusmodi causis: ut Cincius Severus qui Thistri ipse dedit remedium quomodo responderent Christiani ut dimitti possent: ut Vespronius Candidus qui Christianum quasi tumultuosum civibus suis satisfacere dimisit," etc.

<sup>32</sup> *Ibid. loc. cit.*: "Claudius Herminianus Cappadocia cum . . . Christianos crudeliter tractasset . . . postea cognito errore suo, quod tormentis quosdam a proposito suo excidere fecisset, pene Christianus decessit." Cf. Justin, *Dial. c. Tryph.* 110: κεφαλοτομούμενοι γὰρ καὶ σταυρούμενοι καὶ θηρίοις παραβαλλόμενοι καὶ δεσμοῖς καὶ πυρὶ καὶ πάσαις ταῖς ἄλλαις βασάνοις ὅτι οὐκ ἀφιστάμεθα τῆς ὁμολογίας.

Martyrum." The fact that a mere lip-denial, whether voluntary or enforced by means of torture, was for the most part during the second century followed by liberation and pardon is a clear proof, if one were wanted, that the contest between Christianity and the state was far from having become at this period an internecine struggle, since the possibility that one "compulsus negare non ex fide negarit et absolutus ibidem post tribunal de vestra rideat aemulatione, iterum Christianus," must have been as obvious to the government as to Tertullian, who describes the practice as a "praevaricatio in leges."<sup>33</sup>

(3) The Christians were apparently, in conformity with Trajan's recommendation, not sought out. This is, indeed, rather a general inference from the reluctance of the provincial governors to deal harshly with the Christians, as evidenced in instances given by Tertullian, and in many of the "Acta Martyrum" themselves,<sup>34</sup> and also from the comparatively small number of victims to the state persecution as evidenced by Origen.<sup>35</sup> This was necessarily a point as to which the governors had a certain amount of discretion. The *legatus* of Gallia Lugdunensis apparently gave orders for the Christians to be sought out,<sup>36</sup> though the very statement seems to imply that this was an unusual proceeding. It was, however, by no means without parallel, as the words of Celsus prove: ὑμῶν δὲ καὶ πλανᾶται τις ἔτι λανθάνων ἀλλὰ ζητεῖται πρὸς θανάτου δίκην.<sup>37</sup> On the other hand, Pudens (probably a governor of Crete under M. Aurelius<sup>38</sup>), on

<sup>33</sup> Tert. *Apol.* 2.

<sup>34</sup> See the *Acta Martyrum Scilitanorum*: ἐπεὶ καὶ χαρισθείσης αὐτοῖς προθεσμίας τοῦ πρὸς τὴν τῶν Ῥωμαίων ἐπανέλθειν παράδοσιν ἀκλινεῖς τὴν γνώμην διέμειναν κ. τ. λ.

<sup>35</sup> See p. 93, note 44.

<sup>36</sup> Euseb. *H. E.* v. 1, 14: ἐπεὶ δημοσίᾳ ἐκέλευσεν ὁ ἡγεμὼν ἀναζητεῖσθαι πάντας ἡμᾶς.

<sup>37</sup> Orig. *Contra Cels.* viii. 69.

<sup>38</sup> He was formerly held to be a proconsul of Africa under Commodus or Septimius Severus, but our only authentic knowledge of him is from an inscription, *C. I. L.* viii. 5354, where he is proconsul of Crete and Cyrene, a praetorian post, and therefore earlier than his consulship in 166 A.D. See Neumann, page 33, note 1.

discovering that a certain Christian who was sent to him was really the victim of a conspiracy to extort money, tore up the *elogium*, as the charge-sheet was technically called, and then dismissed the prisoner "sine accusatore negans se auditurum secundum mandatum."<sup>39</sup>

(4) The prosecutions were in the provinces generally due to the hatred and violence of the populace, or to the antipathy of some particular class among them. Of this there seems to be no doubt. The Bithynian persecution may probably, as we have seen, have been due to commercial losses caused by the Christians. Hadrian's rescript<sup>40</sup> distinctly implies that the governors often gave way to popular clamour. The letters of Antoninus Pius to the cities in Greece<sup>41</sup> distinctly forbid rioting against the Christians. The letter written by the Church at Lugdunum to those in Asia or Phrygia clearly attributes the commencement of the persecution there to the clamours, outrages, and attacks of the infuriated populace,<sup>42</sup> while Eusebius states that the persecutions of this time resulted ἐξ ἐπιθέσεως τῶν κατὰ πόλεις δήμων.<sup>43</sup> Similarly in the "Acta" of Polycarp the proconsul urges the martyr, "Satisfac populo."<sup>44</sup> "Quotiens etiam," asks Tertullian, "praeteritis vobis suo iure

<sup>39</sup> Tert. *ad Scap.* 4: "Pudens etiam missum ad se Christianum cum elogio, concussione eius intellecta dimisit scisso eodem elogio, sine accusatore negans se auditurum secundum mandatum;"

<sup>40</sup> See below, p. 108, note 1.

<sup>41</sup> See p. 102, note 18.

<sup>42</sup> Euseb. *H. E.* v. 1, 7: καὶ πρῶτον μὲν τὰ ἀπὸ τοῦ ὄχλου πανδημεὶ σωρηδὸν ἐπιφερόμενα γενναίως ὑπέμενον, ἐπιβοήσεις καὶ πληγὰς καὶ συρμούς καὶ διαρπαγὰς καὶ λίθων βολὰς καὶ συγκλείσεις καὶ πάνθ' ὅσα ἡγριωμένῳ πλήθει ὡς πρὸς ἐχθροὺς καὶ πολεμίους φιλεῖ γένεσθαι.

<sup>43</sup> Euseb. *H. E.* v. 5, *prooem.* 1.

<sup>44</sup> *Acta Polycarpi*, Ruinart, p. 31. Cf. Euseb. *H. E.* iv. 15, 6: τὸ πᾶν πλῆθος ἀποθαύμασαν τῆς ἀνδρείας τὸν θεοφιλῆ μαρτύρα καὶ τὴν καθόλου τοῦ γένους τῶν Χριστιανῶν ἀρετὴν ἀθρόως ἐπιβοᾶν ἀρξασθαι 'αἰρε τοὺς ἀθέους; and 26: πᾶν τὸ πλῆθος τῶν ἐθνῶν τε καὶ Ἰουδαίων πρὸς τὴν Σμύρναν κατοικούντων . . . μεγάλη φωνῇ ἐβόα . . . οὗτός ἐστιν ὁ τῆς Ἀσίας διδάσκαλος, ὁ πατὴρ τῶν Χριστιανῶν, ὁ τῶν ἡμετέρων θεῶν καθαιρέτης.

nos inimicum vulgus invadit lapidibus et incendiis ? ” <sup>45</sup> and, again, “ Nec ulli magis depostulatores Christianorum quam vulgus,” <sup>46</sup> and still more definitely, “ De qua iniquitate saevitiae non modo caecum hoc vulgus exultat et insultat, sed et quidam vestrum, quibus favor vulgi de iniquitate captatur, glorianatur.” <sup>47</sup> Tertullian’s evidence on this point is, indeed, summed up in his address to the provincial governors as “ boni praesides, meliores multo apud populum si illis Christianos inmolaveritis.” <sup>48</sup>

(5) The emperors themselves, when appealed to by the governors, were more inclined to check than to encourage persecution, though their policy in this was purely utilitarian, based on no sort of approval of or sympathy with the Christians, to whose execution they assented without scruple whenever the advantages of such a course seemed to preponderate, but simply on the supposition that the Christians were harmless and somewhat contemptible enthusiasts, of whose *obstinatio* it was hardly worth while to take notice, while the disturbances caused by popular outbreaks against them were not consistent with the good order of the empire.

<sup>45</sup> Tert. *Apol.* 37.

<sup>46</sup> *Ibid.* 35.

<sup>47</sup> *Ibid.* 49. Cf. Justin. *Apol.* ii. 3, who says that Crescens, the philosopher, accused the Christians as ἄθεοι καὶ ἀσεβεῖς . . . πρὸς χάριν καὶ ἡδόνην τῶν πολλῶν τῶν πεπλανημένων ταῦτα πράττων.

<sup>48</sup> Tert. *Apol.* 50.

## VIII

### Attitude of Hadrian, Pius, and Marcus Aurelius

THIS certainly seems to have been the attitude of Hadrian in his rescript to Minucius Fundanus, proconsul of Asia, in about 124 A.D., the full text of which I append below in a note.<sup>1</sup> Asia was undoubtedly the province in which the Christian difficulty was most urgent and most persistent. Here probably the Christians were most numerous, the populace most hostile, and accusers most plentiful; here, too, all the social conditions most repugnant to and most impatient of Christian ideas of morality were most pronounced and most deeply rooted. Here certainly, sometimes in one city, sometimes in

<sup>1</sup> The rescript is found in Greek appended to Justin's *First Apology*, and in Eusebius *H. E.* iv. 9, and in Latin in Rufinus' translation of Eusebius. As Eusebius expressly states that Justin gives the Latin version (*H. E.* iii. 8, 7), Bishop Lightfoot, with much probability, supposes that Rufinus did not translate it into Latin but substituted the original rescript.

"Accepi literas ad me scriptas a decessore tuo, Sereno Graniano, clarissimo viro, et non placet mihi relationem silentio praeterire, ne et innoxii perturbentur, et calumniatoribus latrocinandi tribuatur occasio. Itaque si evidenter provinciales huic petitioni suae adesse volent adversum Christianos, ut pro tribunali eos in aliquo arguant, hoc eis exequi non prohibeo: precibus autem in hoc solis et adclamationibus uti eis non permitto. Etenim multo aequius est, si quis volet accusare, te cognoscere de obiectis. Si quis igitur accusat et probat, adversus legem quicquam agere memoratos homines pro merito peccatorum etiam supplicia statues. Illud mehercule magnopere curabis ut si quis calumniae gratia quemquam horum postulaverit reum, in hunc pro sui nequitia suppliciiis severioribus vindices."



another, persecution must have been almost continuous and permanent. The proconsuls may have observed, and probably they did so, the principle of Trajan, not to search out offenders, but this in a province so full of sycophants, sophists, and *delatores*, was but scant protection.<sup>2</sup> And not only were real Christians brought before the tribunal of the proconsul. In a case where so little had to be substantiated, where the mere "nomen Christiani" was the gist, nay the whole, of the charge, there was every inducement to make a trade of this sort of delation, to accuse or to threaten with accusation those who were not Christians, and then to exact money for letting proceedings drop. That non-Christians were sometimes accused we know from Pliny's letter; that attempts to extort money were sometimes made we know from a case already alluded to as mentioned by Tertullian.<sup>3</sup> But clearly such unprincipled conduct, besides running counter to the spirit of the times, destroyed whatever value there was in the police repression of Christianity, and introduced a spirit of terrorism into the province. It was, I conceive, in some such circumstances as these, that Licinius Serenus Granianus, the proconsul, consulted Hadrian, who sent the well-known rescript, for the genuineness of which Mommsen has authoritatively pronounced, to his successor, Minucius Fundanus.<sup>4</sup> The general object of the rescript is clearly enough stated at the outset, "ne et innoxii perturbentur; et calumniatoribus latrocinandi tribuatur occasio." To prevent this, the emperor lays it down that accusers are not to be allowed to make use of any mob-influence against the Christians, and that they must do more than prove the "nomen Christiani"—they must prove that the accused have acted against the law: "si quis igitur

<sup>2</sup> Mommsen, *Röm. Gesch.* v. 333 foll.

<sup>3</sup> See p. 106, note 39.

<sup>4</sup> Licinius Serenus Granianus was consul in 106 A.D., C. Minucius Fundanus in 107 A.D. (Klein, *Fasti Consulares*, p. 56), and according to Waddington (*Fastes Asiatiques*, p. 197 sq.) they would naturally have reached the proconsulship of Asia about 123-4 and 124-5 respectively.

accusat et probat, adversus legem quicquid agere memoratos homines, pro merito peccatorum etiam supplicia statues ;" while, finally, accusers who failed to make good their charges were to be themselves severely punished. It seems to me that this rescript was intended, as indeed it naturally would be, for the special circumstances of Asia : it does not in any way, as I interpret it, rescind the decision of Trajan that the " nomen " was a crime, but to avoid any miscarriage of justice, such as, with a summary procedure, a large number of accused, a hostile pressure exercised by the mob, might very easily occur, it lays down more stringent conditions for the proof of punishable crime. It is possible, as Professor Ramsay says,<sup>5</sup> that there is a studied vagueness in this rescript. I doubt whether this would be reflected in the actions depending on it.<sup>6</sup> The ἀθεότης of the Christians as well as their refusal to worship the emperor could, as has already been shown, be brought under the law of *maiestas*, and it was no doubt to this procedure, in which more definite proof was required and a stricter investigation pursued, that Hadrian's rescript pointed. Though intended primarily for Asia, it may quite possibly have had some influence on the governors of other provinces. It was of course always possible for the Christians to be accused and convicted of *maiestas*. Justin Martyr affirms that they were accused as ἄθεοι and ἀσεβεῖς,<sup>7</sup> and Tertullian in a passage already referred to speaks of them as " rei maiestatis." Punishment for the name only, as there is abundant evidence to show, was executed

<sup>5</sup> p. 323.

<sup>6</sup> The suspicions cast upon this rescript by Keim (*Rom und das Christenthum*, p. 553), Overbeck (*Studien zur Geschichte der alten Kirche*, p. 134), Aubé (*Persécutions de l'Eglise*, p. 261), and Baur (*Die drei ersten Jahrhunderte*, p. 442) are met once for all by Mommsen, who declares that its " grundlose Verdächtigung der beste Beweise ist wie wenig sich die Neueren in den Standpunkt der römischen Regierung dem Christenthum gegenüber zu finden vermögen." Among recent writers, Hilgenfeld (*Berliner phil. Mochenschrift*, xv. 663) still maintains Keim's view in spite of Mommsen.

<sup>7</sup> Note that ἀσεβεία is technically *maiestas* and not *sacrilegium*.

after Hadrian's rescript just as much as before, but it is quite possible that it gave a certain stimulus towards the employment of the more definite and regular legal procedure.<sup>8</sup>

Under Antoninus Pius there is reason, as Bishop Lightfoot has shown,<sup>9</sup> to believe that there was by no means that complete peace to the Church which Sulpicius Severus ascribes to his reign,<sup>10</sup> and the cases of Ptolemaeus and Lucius, executed at Rome by the *praefectus urbi*, Lollius Urbicus, cannot have been unknown to the emperor,<sup>11</sup> while the martyrdom of Polycarp at Smyrna is proved by the exhaustive arguments of M. Waddington to have belonged to this reign.<sup>12</sup> But if we are to believe the evidence of Melito, as quoted by Eusebius, he, like Hadrian, discouraged the riotous behaviour of the mob, sending letters to the authorities at Larissae, Thessalonica, and Athens, and to all the Hellenes (a term which is understood by Professor Ramsay as including Greek cities like Smyrna on the Aegean coast), forbidding any such conduct.<sup>13</sup>

With regard to M. Aurelius, the case is somewhat more doubtful, and he is usually considered a severe persecutor of the Christians, and, indeed the contrast between his reign in this respect and that of his degenerate son and successor, Commodus, has partly led to the general

<sup>8</sup> Hadrian's own liberalism and freedom from prejudice in religious matters are exemplified in the story told of him by Lampridius (*Vit. Alex. Sev.* 43): "Christo templum facere voluit, eumque inter deos recipere, quod et Hadrianus cogitasse fertur, qui templa in omnibus civitatibus sine simulacris iusserat fieri quae hodieque idcirco quia non habent numina dicuntur Hadriani, quae ille ad hoc parasse dicebatur: sed prohibitus est ab iis qui consulentes sacra reppererant omnes Christianos futuros si id fecisset et templa reliqua deserenda." Tertullian calls him "omnium curiositatum explorator," *Apol.* 5; cf. Dio Cass. lxi. 5 and 11.

<sup>9</sup> Lightfoot, *Apostolic Fathers*, Part II. vol. i. p. 493.

<sup>10</sup> Sulp. Sev. *Chron.* ii. 31, 32.

<sup>11</sup> Justin, *Apol.* ii. 2.

<sup>12</sup> Waddington's arguments are summarised by Lightfoot, *Apostolic Fathers*, Part II. vol. i. p. 639 foll.

<sup>13</sup> See p. 102, note 18.

inference that the better the emperor, the greater his severity towards the Christians. It certainly cannot be denied that the Christians were persecuted, and with some severity, in several different parts of the empire during this reign, but I cannot think that there is any evidence which justifies Neumann<sup>14</sup> in ascribing to the emperor a new policy different from, and severer than, that of Trajan, or which can lead us to suppose that the persecutions, such as they were, arose from imperial initiative rather than from the general circumstances of the time and local conditions. In the first place, it must be remembered that as time went on, the practice increased among the Christians of recording the deaths or sufferings of their members—a practice which, when the Churches were less organised, and the consciousness of a common history less pronounced, had either not been commenced or was less completely carried out. Hence we should expect that, quite apart from the actual frequency of persecutions, the number of those recorded would tend to become greater. In the next place, we entirely fail in the records belonging to this reign to find evidence for anything like a general persecution. The evidence of Melito proves a certain amount of persecution in Asia;<sup>15</sup> the martyrdom of Justin shows that the Christians in Rome were still liable to be brought before the jurisdiction of the *praefectus urbi*, while it is known that a number of Christians from the city or Italy were condemned to the mines of Sardinia.<sup>16</sup> The letter of the Churches of Lugdunum and Vienna to those in Asia and Phrygia<sup>17</sup> furnishes authentic evidence for a severe, though not widespread, persecution in Gaul; and, finally, the first Christian blood was shed in this reign in the province of Africa at Madaura,<sup>18</sup>

<sup>14</sup> p. 28 foll.

<sup>15</sup> Euseb. *H. E.* iv. 26, 5.

<sup>16</sup> Hippolyt. *Haer.* ix. 12: μετὰ χρόνον δὲ ἐτέρων ἐκεῖ θνῶτων μαρτύρων, ἡ Μαρκία . . . προσκαλεσαμένη τὸν μακάριον Οὐῆκτορα . . . ἡρώτα, τίνας εἶεν ἐν Σαρδονίᾳ μαρτύρες.

<sup>17</sup> Euseb. *H. E.* v. 1.

<sup>18</sup> Augustin. *Epist.* xv. and xvi. Cf. Tert. *ad Scap.* 3: "Vigilius Saturninus qui primus hic gladium in nos egit,"

while the martyrdoms at Scili, in the same province, though occurring a few months after the death of M. Aurelius, must still be virtually ascribed to his reign.<sup>19</sup>

What strikes us, however, most in this list, is neither the extent of the persecutions (which would surely have been much greater if they had resulted from any deliberate policy) nor the number of the victims (which even at Lugdunum apparently did not exceed forty-eight)<sup>20</sup> but rather the fact that instances of collision between Christianity and the government are now found in the Western as well as the Eastern provinces. This, however, would more naturally be ascribed to the recent growth of Christianity in those parts, and the consequent excitement of the populace against it, than to a new policy on the part of the government. As to the earliest rise of the religion in the Western provinces, we are unfortunately very imperfectly acquainted, but that Christianity could be described in Lugdunum as *καινή τις θρησκεία*<sup>21</sup> more than 100 years after the Neronian persecution in Rome seems to point either to a late introduction or to a late extension.

That there was, to a certain extent, under M. Aurelius, and not without his own approval and perhaps his own initiation, a reactionary tendency towards a stricter observance of the national religion in the face of desperate wars with barbarians, and the widespread horrors of a devastating pestilence, is no doubt true, and this might easily cause more frequent cases of collision in the provinces between either the populace or the governors on the one side and Christianity on the other. As Tertulian in a memorable passage points out, it was just such calamities which occasioned the unreasoning cry "*Christianos ad leones.*"<sup>22</sup> But this fact by itself is far from constituting M. Aurelius as a persecutor of the Christians, and still further from assisting Neumann's theory that the persecution in his reign resulted from certain definite

<sup>19</sup> The date is now fixed to the year 180 A.D. See Lightfoot, p. 508, and Neumann, p. 284.

<sup>20</sup> Gregory of Tours, *Glor. Mart.* 49.

<sup>21</sup> Euseb. *H. E.* v. 1.

<sup>22</sup> Tertull. *Apol.* 40.



rescripts, primarily aimed at Christianity, and seriously modifying the general toleration of the previous reigns. Modestinus, no doubt, reports a rescript of the emperor:<sup>23</sup> "Si quis aliquid fecerit quo leves hominum animi superstitione numinis terrentur, huiusmodi homines in insulam relegari;" while Paulus lays down the rule, "qui novas sectas vel ratione incognitas religiones inducunt ex quibus animi hominum moveantur, honestiores deportantur, humiliores capite puniuntur."<sup>24</sup> To the effect of these rescripts, only the former of which has any direct connexion with M. Aurelius, Neumann ascribes the persecutions in this reign, and in particular that (of which we have the fullest information) at Lugdunum.<sup>25</sup> On several grounds this seems to be an entirely mistaken view. In the first case the rescript, as Mommsen points out, was merely the precise expression—called forth probably by some particular and local circumstances—of a duty imposed by self-defence upon every efficient government.<sup>26</sup> It had no direct reference to the Christians, though it might of course be applied to them if necessary, but its retention in the "Digest" under the Christian emperors is a proof of its general and not particular application. Nor was there the slightest need of a rescript of this kind. If there was any reason to deal more severely with the Christians, there was a summary police jurisdiction which could at any moment be applied to them, by which the mere establishment of their Christianity could be followed by capital punishment. As Christians, they were in theory in the position of outlaws: it was only necessary to discard the somewhat illogical toleration which usually prevailed, and to bring practice into accord with theory, and a general persecution of the Christians as such was possible. To have punished them merely as the causes of public excitement, when they might have been treated as "hostes publici," would have been a step backward rather than forward.

<sup>23</sup> *Dig.* xlviii. 19, 30.

<sup>24</sup> *Paul. Sent.* v. 21, 2.

<sup>26</sup> *Hist. Zeitschr.* p. 400.

<sup>25</sup> p. 29.



Nor do the records which remain of the persecutions support Neumann's theory. No doubt at Lugdunum the immediate occasion of the persecution was an outbreak of popular hatred and fury; but we have seen reason to suppose that this, so far from being exceptional or needing the explanation of a special rescript, was what in the Eastern provinces had happened again and again, the reasons for the popular hatred, as well as its intensity, varying in different cases and localities. When the accused were brought before the legate, there was no question of particular charges; there was no accusation of ἀθεότης or ἀσέβεια, not a word to imply that the charge was disturbance of the public peace. In fact, no question was asked except whether they were Christians,<sup>27</sup> and the account says explicitly that no other charge was made against them.<sup>28</sup> Finally, the punishments inflicted on those condemned were not those specified in the rescript—*relegatio*, *deportatio*, or decapitation—but in the majority of cases exposure to wild beasts.<sup>29</sup> There seems, therefore, no reason to suppose that the persecutions at Lugdunum were due to any increased severity on the part of the central government. The action of the legate in ordering all the Christians to be searched out was evidently taken on his own responsibility, while the further innovation of retaining in custody those who had seceded was due to the accusations of Θυέστεια δειπία and Οἰδιπόδευοι μίξεις which were made by heathen slaves, and was disallowed by the emperor when his rescript came ordering εἴ τινας ἀρνοῖντο. τούτους ἀπολυθῆνα.<sup>30</sup>

There is nothing, therefore, in the evidence to show that the persecution at Lugdunum was anything more than a repetition of that in Bithynia, the greater cruelty

<sup>27</sup> Euseb. *H. E.* v. 1, 10: ἀλλὰ μόνον τοῦτο πυθομένοι ἐλ καὶ αὐτοὺς εἶη Χριστιανὸς, τοῦ δὲ λαμπροτάτη φωνῇ ὁμολογήσαντος, ἀνελήφθη καὶ αὐτὸς εἰς τὸν κλῆρον τῶν μαρτύρων.

<sup>28</sup> Euseb. *H. E.* i, 33: ἀλλ' οἱ μὲν ὁμολογοῦντες δ καὶ ᾗσαν, συνεκλείοντο ὡς Χριστιανοί, μηδεμιᾶς ἄλλης αὐτοῖς αἰτίας ἐπιφερομένης.

<sup>29</sup> Euseb. *H. E.* v. 1, 47: καὶ ὅσοι μὲν ἐδόκουν πολιτεῖαν Ῥωμαίων ἐσχηκέναι τούτων ἀπέτεμνε τὰς κεφαλὰς, τοὺς δὲ λοιποὺς ἔπεμπεν εἰς θήρια.

<sup>30</sup> Euseb. *H. E.* i, 47.

associated with it being due partly to the personal character of the legate, partly to the fact that our account of the one comes from a heathen, of the other from a Christian, source.

In the province of Asia there was, according to Melito, some fresh access of persecution under M. Aurelius, and he speaks of certain *καινὰ δόγματα* or *διατάγματα* in consequence of which through the action of *συκοφάνται* the godly race—*τὸ τῶν θεοσεβῶν γένος*—is persecuted.<sup>31</sup> What these *καινὰ διατάγματα* were it is quite impossible to say. It is certain from Melito's language that they were edicts of the proconsul; they may have been more stringent regulations about the imperial cult, or the observance of the national worship, but there is not the smallest evidence of any connexion with the rescript in the "Digest," but rather the contrary, for the rescript in question, though its application might be vexatious to the Christians, was certainly not cruel and could hardly have been described by Melito as *ὃ μηδὲ κατὰ βαρβάρων πρέπει πολεμίων*.<sup>32</sup> Professor Ramsay, while dissenting from Neumann's view as to a special rescript against the Christians, still thinks that "new methods were introduced by M. Aurelius, at least in the sense that proceedings against the Christians were enforced more actively,"<sup>33</sup> by which he means that they were in his reign sought out even when no accusers came forward. I do not think that the documents relating to the time bear out this view. In Asia, Melito distinctly mentions *συκοφάνται*; <sup>34</sup> at Lugdunum, as we have seen, the legate

<sup>31</sup> Euseb. *H. E.* iv. 26, 5: *τὸ γὰρ οὐδὲ πώποτε γενόμενον, νῦν διώκεται τὸ τῶν θεοσεβῶν γένος καινοῖς ἐλαυνόμενον δόγμασι κατὰ νῆν Ἀσίαν. οἱ γὰρ ἀναιδεῖς συκοφάνται καὶ τῶν ἀλλοτρίων ἐρασταὶ τὴν ἐκ τῶν διαταγμάτων ἔχοντες ἀφορμὴν φανερώς ληστεύουσι νύκτωρ καὶ μεθ' ἡμέραν διαρπάζοντες τοὺς μηδὲν ἀδικοῦντας.*

<sup>32</sup> Euseb. *H. E.* iv. 26, 6.

<sup>33</sup> p. 338.

<sup>34</sup> One of the passages usually quoted to prove that the Christians were sought out, really, if taken with the context, proves the contrary. Athenagoras, *Supplic.* i. 2, says: *συγχωρεῖτε δὲ μηδὲν ἀδικοῦντας . . . ἐλαύνεσθαι καὶ φέρεσθαι καὶ διώκεσθαι ἐπὶ μὲν ὀνόματι προσπολεμούντων ἡμῖν τῶν πολλῶν*: but here the quotation usually ends, but Athenagoras adds: *καὶ δεούμεθα ὑμῶν καὶ*

orders all the Christians to be searched out, but it deserves notice that this is the second stage in the proceedings and not the first. The persecution commenced with the usual manifestations of popular feeling, and, there is no reason to doubt, with the usual accusations more or less definite; then the legate arrived, and apparently in consequence of the charges made ordered a general search for the Christians. If any previous rescript was disregarded, it was rather that of Hadrian than that of Trajan, by which popular acclamations were forbidden to be taken as formal accusations. Another proof that in this reign the Christians were hunted out is often found in the statement of Celsus : ἱμῶν δὲ καὶ πλαυᾶται τις ἔτι λανθάνων ἀλλὰ ζητεῖται πρὸς θανάτου δίκην.<sup>35</sup> But in addition to the uncertainty as to the exact date of Celsus, the statement seems altogether too vague and too general to warrant the conclusion which Professor Ramsay draws from it. Finally with regard to the "Acta Justini" (which, by the way, belong to quite the beginning of the reign, whereas the harsher policy of Aurelius is usually ascribed to the end of it), I cannot agree with Professor Ramsay that the implication is in favour of the criminals being searched out rather than accused. If the tradition mentioned by Eusebius is untrustworthy, that Justin's death was due to the accusation of Crescens the philosopher,<sup>36</sup> at least we should expect that any searching out of the Christians, especially in Rome, would have resulted in the death of more than one or two individuals.

It seems, therefore, that the prosecutions under M. Aurelius were essentially of the same description as those under his predecessors. He has no hesitation in ordering the execution of those who when accused refused to recant; but on the other hand, like previous emperors, he seems to have discouraged the severity of provincial governors as at Lugdunum, as well as the eagerness and

περὶ ἡμῶν τι σκέψασθαι ὅπως πανσώμεθά ποτε ὑπὸ τῶν σκοφάντων σφαττόμενοι, which shows that accusations were made according to Trajan's rescript.

<sup>35</sup> Orig. *Contra Cels.* viii. 69.

<sup>36</sup> Euseb. *H. E.* iv. 16, 7, 8.

greed of informers. Tertullian, who does not hesitate to call him a "protector" rather than a "debellator Christianorum," says definitely enough: "qui sicut non palam ab eiusmodi hominibus poenam dimovit ita alio modo palam dispersit, adiecta etiam accusatoribus damnatione."<sup>37</sup> The view taken above as to the attitude of the emperors towards the Christians differs to a certain extent from that of Professor Ramsay, who thinks that there was a definite and hostile policy towards the Christians from the time of the Flavian emperors; that they were recognized as a dangerous element in the state, and that no mere pressure of popular feeling could affect the action of a strong government like the Roman. He, however, at the same time admits "that a wider and more generous policy was adopted, though in a very hesitating and tentative way, by the second century emperors, who did not fear the current of the times as the older empire had done."<sup>38</sup> I think we hardly have the material for drawing any such contrast between the emperors of the first and second century in their attitude towards the Christians. It is true that in the case of the Flavian emperors we have no evidence of any action on their part tending to check the severity of persecution, as we have in the case of Trajan, Hadrian, and Antoninus Pius, but, on the other hand, we are equally (except perhaps in the case of Domitian) without positive evidence that they directly encouraged or instituted persecution. It seems to me that the empire, in the sense of the central government, was all this time without a permanent or steady policy towards the Christians: it had not yet made up its mind. It was of course aware of the general hatred against the sect; it was aware that Christianity was at variance with some of the essential features of Roman society; it was aware of the suspicions or reports of gross immorality practised at midnight meetings; it knew the intolerant and exclusive attitude of the sect towards the national religion, and it did not shut its eyes to the fact that this *obstinatio* constituted

<sup>37</sup> Tert. *Apol.* 5.

<sup>38</sup> *Expositor*, July 1892, p. 15.

logically potential disobedience or disloyalty to the state. This principle was asserted and occasionally acted upon from the first ; but a policy implies something more than occasional action, and this was wanting throughout the first two centuries. If the emperors had made up their minds that Christianity was a political danger, they would have developed a policy, and the treatment of the Christians would have been very different from what it was ; there would have been a serious attempt to put the new religion down ; the persecutions would have been general and continuous, and the imperial edicts clear and precise. We should not have found Pliny at the close of what Professor Ramsay thinks was the severer period, in any uncertainty about the course to be pursued, and, above all, we should not have found Trajan deciding "*conquirendi non sunt.*"

The emperors clearly did not think Christianity, in spite of the logical results of its principles, a practical danger to be reckoned with by the state, and in consequence their attitude towards it was not definite but opportunist. It differed at different times and in different provinces, sometimes even in different parts of the same province, and sometimes peace and tranquillity would be best consulted by protecting the Christians against the hatred of the populace, sometimes by practically sacrificing them to it ; but the whole question was as yet not an imperial concern—"neque enim in universum aliquid quod quasi certam formam habeat constitui potest"<sup>39</sup>—it formed part of the police administration of each provincial legate and proconsul to whose discretion in the ordinary course of things the treatment of the Christians was left. No doubt tolerably frequent appeals were from time to time made to the emperors for their advice in particular cases. We cannot believe that the letter of Pliny was an isolated case, and we know from Lactantius that a collection was made in the seventh book "*De Officio Proconsulis*" of the various rescripts issued by the emperors against the Christians.<sup>40</sup>

<sup>39</sup> Plin. *ad Trai.* 97.

<sup>40</sup> Lactant. *Inst.* v. 11, 19 : "*Domitius de officio proconsulis*



The list would have been an invaluable one, but we can hardly doubt that all these rescripts, like that of Trajan, had reference primarily to particular localities and circumstances, and that while Christianity was recognized as a penal offence, there was no general edict of proscription and no encouragement of a systematic persecution.

I cannot help thinking, therefore, that Professor Ramsay has to some extent antedated the existence of anything like a policy of proscription on the part of the Roman government; and he does this because he antedates the time when Christianity was regarded as a serious and practical danger to the social and political foundations of the empire. No doubt there came a time when this was the case, but it did not come within the first two centuries, with which alone Professor Ramsay deals. To a certain extent, if I may presume to say so, he argues in a circle on this subject. Speaking of what he describes as the "Flavian policy," he says: <sup>41</sup> "But soon the Flavian government recognized that the united organization of the Christians was no whit weakened by the destruction of the Temple. The Christians still continued no less than before to maintain a unity independent of and contrary to the imperial unity, and to consolidate steadily a wide-reaching organization." What evidence, we may ask, is there of any wide-reaching organization between 70 and 80 A.D. ? However, it is from the assumption of this organization that Professor Ramsay draws a general inference as to the hostile policy of the imperial government. "Either Rome," he says, "must now compel obedience, or it must acknowledge that the Christian unity was stronger than the empire;" <sup>42</sup> and so, quite in accordance with this, he says "The Flavian action was directed against the Church as an organized unity." <sup>43</sup> In another passage, however, we find Professor Ramsay arguing that there must have been a Christian organization in order to explain the persecution

libro septimo rescripta principum nefaria collegit, ut doceret quibus poenis adfici oporteret eos qui se cultores dei confiterentur"

<sup>41</sup> p. 356.

<sup>42</sup> p. 356.

<sup>43</sup> p. 274.



of the Christians. "An organization strong, if only rudimentary, is required to explain the imperial history, and such an organization is attested by the Christian documents."<sup>44</sup> That is to say: there was a far-reaching organization, therefore a strong government must have inaugurated a policy of persecution; and there is evidence of persecution, therefore we must assume some Christian organization to explain it. However, putting on one side what is no doubt only a seeming inconsistency, I quite admit that from the time when the government became convinced that Christianity was developing into a widespread organization—was, in fact, becoming a state within the state—its action approached more and more to being a policy in the proper sense of the word, and a policy definite, permanent, and hostile to Christianity.

I do not propose, and I am not competent, to enter here into the question of Church organization, either its nature or the steps by which it was accomplished, but merely to point out very briefly that as far as our evidence goes, the unity of Christianity was almost up to the end of the period treated by Professor Ramsay as a unity of idea, of belief, of doctrine, and of hope, but not a unity of organization: though it was only the latter kind of unity which would seem a practical danger to a government like that of imperial Rome. We are unfortunately very much in the dark as to the numbers of the Christians, not only during the first two centuries, but even up to the so-called conversion of the empire. In some of the provinces, and especially in the great centres of Hellenic civilization, such as Antioch, Ephesus, Smyrna, they were probably a numerous body at a tolerably early period, though not so numerous as to be in themselves a political danger. In Bithynia we have the evidence of Pliny—which, however, may be variously interpreted. In Rome the numbers of the Christians must have received a considerable check by the Neronian persecution, and there can hardly be a doubt that during the whole of this period they were quite an insignificant

<sup>44</sup> p. 372.

body, amid the numerous population of the capital. When we remember that even in the time of Theodosius, seventy years after the conversion of Constantine, the Christians numbered no more than one-fourth or one-fifth of the population in a city like Antioch,<sup>45</sup> it is quite impossible to imagine that, as far as numbers went, the Christians would have been a serious political danger in the first two centuries. Tertullian, no doubt, in a rhetorical and characteristic passage,<sup>46</sup> seems to assert that the Christians formed the greater part of the population, but the exaggeration is so flagrant and apparent as to deprive the statement of all statistical value.

But a comparatively small numerical strength might very conceivably, with the help of organization and common action, become, if not politically dangerous, at least a force to be reckoned with and looked at with suspicion.

Of this wide-spread organization I do not know what proof can be adduced. That during the earlier years of Christianity there was a certain intercommunication between the principal Churches through the apostles to whose preaching they owed their origin; that the apostles, while sojourning in one part of the empire, sent letters of admonition and encouragement to the Christians in another; that on occasions alms might be sent from Philippi to Rome, or from Rome to Philippi; that, somewhat later, letters were written in the name of one congregation by its bishop to another, like that of the Roman Clement to the Corinthians under Domitian,

<sup>45</sup> Friedländer, *Sittengeschichte*, iii. 598.

<sup>46</sup> Tert. *Apol.* 37: "Hesterni sumus et vestra omnia implevimus, urbes, insulas, castella, municipia, conciliabula, castra ipsa, tribus, decurias, palatium, senatum, forum: sola vobis relinquimus templa. Possumus dinumerare exercitus vestros: unius provinciae plures erunt." Cf. c. 1: "Obsessam vociferantur civitatem, in agris, in castellis, in insulis Christianos; omnem sexum, aetatem, conditionem, etiam dignitatem, transgredi ad hoc nomen." *Ad Scap.* 2: "Tanta hominum multitudo pars pene maior civitatis cuiusque;" *ibid.* 5: "Quid facies de tantis milibus hominum, tot viris ac feminis, omnis sexus, omnis aetatis, omnis dignitatis?" etc.

are, of course, well-known and indisputable facts. The Christians all over the empire were the "brethren," with common hopes, common beliefs, and to a certain extent common sufferings. The splendid system of military and commercial roads which formed a network over the empire made communication comparatively easy, and a fraternal hospitality was one of the distinguishing features of the early Christians. Hence, to a certain extent, the various congregations, even after the apostles had ceased to wander from one to another, were *en rapport* with one another, sympathizing with one another in time of persecution, and sending accounts to one another of the way in which their several martyrs witnessed to the common faith. Thus the Church at Smyrna sends a letter to the brethren in Pontus, describing the martyrdom of Polycarp; <sup>47</sup> Ignatius, on the eve of his own martyrdom, sends letters of comfort and encouragement to various cities in Asia and Europe; <sup>48</sup> while our knowledge of the persecution at Lugdunum is gained from a letter of the Churches of Lugdunum and Vienna to the Christians of Phrygia. <sup>49</sup> Thus, in a sense, the Christians were conscious of their own unity, but this is by no means the same thing as the development of a widespread organization. The several communities were of course becoming organized; the episcopal constitution was developing, but the unity of which they were conscious was still an ideal unity: intercommunication was casual, occasional, and informal. It is often said, and no doubt with truth, that the Gnostic heresies did much towards bringing out the unity of the Church; but still, even this was a unity resting, not upon organization, but upon the preaching of the same doctrine and community in the same belief; this was the aim, the essential unity of the Christian body, and the outer sign or manifestation of this unity was as yet nothing more definite than what Tertullian calls "*communicatio pacis et appellatio fraternitatis et*

<sup>47</sup> Euseb. *H. E.* iv. 15, 2; cf. Lightfoot, vol i. p. 588 foll.

<sup>48</sup> *Ibid.* iii. 36, 4, and 15; iii. 38, 1.

<sup>49</sup> *Ibid.* v. 1.

contesseratio hospitalitatis." <sup>50</sup> We shall perhaps be less surprised at the absence for so many years of any common organization, if we remember that it was not till the middle of the second century that the belief in the imminent second coming of Christ and the establishment of his millennium upon earth ceased to be the general Christian belief—a belief which left no room for questions of common organization. As Neumann very well says, <sup>51</sup> "Even a considerable number of people, scattered in different places, united only by a common belief, and expecting the speedy end of all things, though they might be a source of annoyance to the state by their refusal of divine honours to the emperors, were nevertheless no source of danger, so long as no common action was to be feared from them." This seems correctly enough to describe the state of affairs till nearly the close of the second century. The troubles connected with the Christians were local and provincial, and though, like other provincial matters, they were from time to time referred to the emperors, they were still merely part of the police administration of the various governors. It is inconceivable to me how Professor Ramsay can say "that Trajan found himself unable to resist the evidence that this organization was illegal and dangerous." <sup>52</sup> Illegal he no doubt recognized it as being in the sense that the Christian *obstinatio* involved disobedience to the omnipotent state, and on that ground he could not but sanction the extreme punishment in the extreme resort, but he also saw that this disobedience was an abstract and not a concrete or practical danger, and gave expression to this discernment in the order "conquirendi non sunt."

But, of course, there came a time when the scattered

<sup>50</sup> Neumann, p. 53: "Ihre Einheit ruht auf der Predigt derselbe Lehre und dem Besitz desselben Glaubens." Tert. *De Praescript. Haereticor.* 20.

<sup>51</sup> p. 57. Cf. Mommsen, *Histor. Zeitschrift*, p. 419: "Den Christen dieser Epoche vor der Entwicklung der Episkopalordnung und der ökumenischen Concilien die Centralisation und damit die Staatsgefährlichkeit abging."

<sup>52</sup> p. 372.

communities of Christians cemented their ideal unity of belief by a system of common organization, out of which emerged the Catholic Church, an organized body, within but not connected with the organization of the empire, embracing under it the particular communities, subdivided into provinces, dioceses, churches, holding from time to time synods or councils, in which several communities (sometimes more, sometimes fewer) met together for consultation or common action, and above all claiming for the common Christian principles an authority which was to override, in case of collision, the law of the state.<sup>53</sup> It is not my purpose to trace the growth of this organization, but only to point out (1) that it gave an entirely different aspect to the Christian question, which from being a local and provincial difficulty came to be an imperial problem; (2) that it was not till the close of the second century that this change could have manifested itself to the Roman government. The development towards common action among the Churches commenced, as was natural, in the Eastern provinces, where the frequent meetings of the provincial *concilia* in connexion with the imperial worship, with delegates from the most important cities, may well have suggested the idea of organization, and where the Montanist heresy made some common action on the part of the orthodox Churches almost a necessity. The phrase *μεγάλη ἐκκλησία* is found in Celsus,<sup>54</sup> *ἐκκλησία καθολική* in one of the Ignatian letters; <sup>55</sup> but in both cases it seems to be used of the orthodox Christians as opposed to the various heretical sects, and to imply the ideal unity of belief rather than any unity of organization. In the

<sup>53</sup> Cf. Tert. *Apol.* 45: "Deum non proconsulem timentes;" also c. 4: "Si lex tua erravit, puto, ab homine concepta est, neque enim de caelo ruit." Celsus calls this (Orig. *C. Cels.* viii. 2) the "voice of insurrection," *στάσεως φωνή*. Cf. Orig. *C. Cels.* i. 1: *οἱ νόμοι τῶν ἐθνῶν οἱ περὶ ἀγαλμάτων καὶ τῆς ἀθέου πολυθεΐτης νόμοι εἰσὶ Σκυθῶν καὶ εἴ τι Σκυθῶν ἀσεβέστερον*. So a distinction is made between *οἱ κείμενοι ἐν ταῖς πόλεσι νόμοι* and *οἱ θεῖοι νόμοι*. Orig. *C. Cels.* viii. 26: the former were *οἱ ἀνομοι νόμοι* *ibid.* v. 37. See Neumann, p. 234.

<sup>54</sup> Orig. *C. Cels.* v. 59.

<sup>55</sup> *Ad Smyrn.* 8.



last years, however, of M. Aurelius, we find informal meetings of "the faithful" within the province of Asia, with a view to oppose the Montanist heresy.<sup>56</sup> Ten years later synods are held in Palestine under the presidency of the Bishop of Caesaraea, in Pontus under that of Palmas, bishop of Amastris; in Gaul under Irenaeus of Lugdunum, to come to some agreement on the question of the Easter festival.<sup>57</sup> On this occasion the common action goes still further, for the decrees of the several synods are apparently sent to Victor, the bishop of Rome, who attempts to excommunicate as heterodox the Churches of Asia, which under the presidency of Polycrates, bishop of Ephesus, had passed a dissentient resolution of their own.<sup>58</sup>

These are the unmistakable beginnings of an organization which would inevitably soon be co-extensive with the empire—a state within the state—the existence of which was certainly opposed to the most essential and characteristic principles of the Roman government. With the organization of the Catholic Church began the real struggle between the empire and Christianity, which could only have one of two issues—the suppression of the religious organization, or its acceptance by and incorporation in the empire.

It was not immediately, however, that any distinct change of policy took place. Partly the new union of the Churches was concealed by the noisy disputes which were, after all, the occasion of their coming together; partly the empire was concerned with great wars, as under Severus, or was passing through a period of reaction and conservatism as under Alexander.<sup>59</sup>

<sup>56</sup> Euseb. *H. E.* v. 16, 10: τῶν γὰρ κατὰ τὴν Ἀσίαν πιστῶν πολλάκις καὶ πολλαχῇ τῆς Ἀσίας εἰς τοῦτο συνελθόντων, καὶ τοὺς προσφάτους λόγους ἐξετάσαντων καὶ βεβήλους ἀποφηνάντων καὶ ἀποδοκιμασάντων τὴν αἵρεσιν, οὕτω δὲ τῆς τε ἐκκλησίας ἐξεώσθησαν καὶ τῆς κοινωνίας εἰρχθησαν.

<sup>57</sup> Euseb. *H. E.* v. 23, 2-4; σύνοδοι δὲ καὶ συγκροτήσεις ἐπισκόπων ἐπὶ ταῦτὸν ἐγένοντο, κ, τ. λ.

<sup>58</sup> Euseb. *H. E.* v. 24, 9: ἐπὶ τούτοις ὁ μὲν τῆς Ῥωμαίων προεστῶς Βικτωρ ἀθρόως τῆς Ἀσίας πάσης ἅμα ταῖς ὁμόροις ἐκκλησίαις τὰς παροικίας ἀποτέμνειν ὥσάν ἐτεροδοξούσας τῆς κοινῆς ἐνώσεως πειράται.

<sup>59</sup> Cf. *Vit. Alex. Sev.* 22: "Iudaeis privilegia reservavit,



But still Severus, who in Rome was quite inclined to follow the example of his predecessors, and to protect the Christians against mob-violence,<sup>60</sup> must have received some impressions during his passage through Syria in 202 A.D., which caused him to take a more serious view of the dangers inherent in Christianity, for his decision that no fresh converts were to be allowed to join that body<sup>61</sup>—even though it may have been, as Neumann supposes, a local rescript, and not, as has often been assumed, a general edict—still makes indisputably a step in advance: a remark which may be made with equal truth, though with the same limitations, of the persecution instituted by Maximin the Thracian, and which was directed, not against the Christians generally, but against the clergy, or, in other words, against the growing organization of the Church.<sup>62</sup> It must suffice to conclude this part of the subject by saying that these tendencies on the one side and the other received their completion by the series of general and systematic persecutions which commenced with the reign of Decius.

The general result of the previous discussion has been to show that during the first two centuries there was in no sense any systematic persecution of Christianity. It is true that a rigorous and logical application of the principles of the Roman government would have resulted in a proscription of Christianity, but in view of its practically harmless character, and the absence of any dangerous or widespread organization, cases of interference with its members were only intermittent and spasmodic. As we have seen, the Christians might have

*Christianos esse passus est*”—a statement which of course implies no formal recognition of Christianity, but merely practical toleration.

<sup>60</sup> Tert. *ad Scap.* iv. : “Sed et clarissimas feminas et clarissimos viros Severus sciens huius sectae esse non modo non laesit verum et testimonio exornavit, et populo furenti in nos palam restitit.”

<sup>61</sup> Spart. *Vit. Sever.* 17 : “Iudaeos fieri sub gravi poena vetuit ; idem etiam de Christianis sanxit.”

<sup>62</sup> Euseb. *H. E.* vi. 28, : διωγμὸν ἐγείρας τοὺς τῶν ἐκκλησιῶν ἀρχοντας μόνους ὡς αἰτίους τῆς κατὰ τὸ εὐαγγέλιον διδασκαλίας ἀναιρεῖσθαι προστάττει.

been proceeded against under the law of *maiestas* : practically, as far as we can judge, this happened comparatively seldom. A case might have been made out against them on a charge of magic : we should find it hard, however, to show any distinct instance of it. Vague charges of homicide and gross immorality were made and believed even by men of culture and education like Fronto,<sup>63</sup> but, as a rule, no serious attention could have been paid to these reports, the evidence for which, so far as there was evidence at all, came from tortured slaves.<sup>64</sup>

<sup>63</sup> Minuc. Fel. *Octav.* 9, 6 : " Haec sacra sacrilegiis omnibus taetriora. Et de convivio notum est ; passim omnes loquuntur, id, etiam Cirtensis nostri testatur oratio." Cf. 31, 2.

<sup>64</sup> Euseb. *H. E.* v. 1, 14. Tert. *Apel.* 7 : " Tot hostes eius quot extranei . . . ex natura ipsi domestici nostri."

## IX

### Christianity and the Collegia

THERE still remains, however, one question to be asked and answered: how the Christians were able to exist uninterfered with, to so great an extent as our evidence shows that they were, in the face of the imperial policy in regard to associations (*collegia, sodalitates, hetaeriae*).<sup>1</sup>

We know that the imperial government with its increasingly bureaucratic organization and its centralization in Rome and the emperor, was essentially hostile to all free and spontaneous organization among the people. Combination for a single object might easily develop into a combination for other objects. Not only was this almost self-evident, but the history of the republic had repeatedly proved its truth. Julius Caesar in this as in so many other directions initiated the policy which marked the empire of which his brief tenure of power laid the foundation. Suetonius says briefly<sup>2</sup> and insufficiently: "*Cuncta collegia praeter antiquitus constituta distraxit.*" This, I imagine, points, not to any general measure, but to his personal action as dictator in the city, and by edict in the provinces. The same policy seems to have been developed and to a certain extent systematized by Augustus. Of him Suetonius says: "*Plurimae factiones titulo collegii*

<sup>1</sup> Liebenam, *Zur Gesch. und Organis. des römischen Vereinswesen*, p. 267, puts the question so: "In welcher äussern Form haben die ersten christlichen Gemeinden, zu einer Zeit wo Genossenschaftliche und Vereinsbildungen strenger Aufsicht unterlagen, im Staate Fuss fassen können?"

<sup>2</sup> Suet. *Caes.* 42.

novi ad nullius non facinoris societatem coibant ; igitur . . . collegia praeter antiqua et legitima dissolvit.”<sup>3</sup> This statement is partly illustrated and explained by an inscription in which a *collegium symphonicorum* is mentioned “quibus senatus coire, convocari, cogi permisit e lege Iulia ex auctoritate . . . Augusti ludorum causa.”<sup>4</sup> The Augustan regulation, therefore, took the form of a Lex Iulia, which not only dissolved a large number of existing *collegia*, but provided that for the future every *collegium* before being recognized as legitimate had to receive a licence from the senate. No doubt the law at first had reference to Rome only, or perhaps to Italy also, which, like the capital, was by the arrangement of 27 B.C. assigned to senatorial administration. The principle, however, would certainly be transferred more or less completely to the provinces, and we may with some safety assume that from this time in theory new *collegia* in the senatorial provinces were supposed to receive a licence from the senate, those in the imperial provinces from the emperor, probably through his legates. As illustrative of this we find the following expressions : “corpus cui coire licet,”<sup>5</sup> “collegia quibus ius coeundi lege permissum est,”<sup>6</sup> “collegium dendrophorum Romanorum quibus ex senatus consulto coire licet,”<sup>7</sup> “corpus fabrum navalium Ostiensium quibus senatus consulto coire licet ;”<sup>8</sup> in Gallia Lugdunensis : “corpora omnia Lugduni licite coeuntia ;”<sup>9</sup> in the Alpes Maritimae : “collegia tria quibus ex senatus consulto coire permissum est ;”<sup>10</sup> in Asia at Cyzicus : “ut corpus quod appellatur neon . . . in civitate sua auctoritate amplissimi ordinis confirmetur.”<sup>11</sup> So, too, Marcian in the “Digest” says :<sup>12</sup> “Nisi ex senatus consulti auctoritate aut Caesaris collegium vel quodcunque tale corpus coierit, contra senatus consulta et mandata et constitutiones collegium

<sup>3</sup> Suet. *Aug.* 32.

<sup>5</sup> *Dig.* xxxiv. 5, 20.

<sup>7</sup> Orell. 4075.

<sup>9</sup> Wilm. 2224.

<sup>11</sup> *Ephem. Epigraph.* iii. 156.

<sup>4</sup> *C. I. L.* vi. 2193.

<sup>6</sup> *Dig.* xl. 3, 1.

<sup>8</sup> *C. I. L.* xiv. 168.

<sup>10</sup> *C. I. L.* v. 7881.

<sup>12</sup> *Dig.* xlvii. 22, 3.

celebrat." *Collegia* which were not so licensed were *illicita*, and in the extreme resort membership in a *collegium illicitum* came under the head of *maiestas*: "Quisquis illicitum collegium usurpaverit, ea poena tenetur qua tenentur qui hominibus armatis loca publica vel templa occupare iudicati sunt."<sup>13</sup> We shall have to return to these regulations later on in order to detect, if we can, their practical working, but meanwhile, if we add to what has been cited the action of Trajan—who distinctly refused to sanction the institution of a *collegium fabrum*, to consist of only 150 members, for the purpose of a fire brigade in Nicomedia, on the ground that all such organizations tended to become *hetaeriae*,<sup>14</sup> i.e. social and political clubs, and who only reluctantly and on the score of vested interests allowed the existence of an *eranus* at Amisos, laying it down "in ceteris civitatibus quae nostro iure obstrictae sunt res huiusmodi prohibenda est,"<sup>15</sup> and, finally, who ordered Piny to proscribe *hetaeriae* generally in his province<sup>16</sup>—enough will have been said to show generally the hostile and suspicious attitude of the government towards associations and *collegia* of all kinds and in all parts of the empire.

Now to casual observers at any rate the Christian communities must have presented many external resemblances to the numerous *θίασοι* or religious associations with which the Eastern provinces more especially were honeycombed,<sup>17</sup> and must, indeed, have been ranked among them. That the Jews were ranked among them we know expressly from Josephus,<sup>18</sup> and there are not wanting indications (to be noticed later on) that the Christians were regarded in the same light. The Jews, however, were expressly excepted from the

<sup>13</sup> *Dig.* xlvii. 22, 2.

<sup>14</sup> Plin. *ad Trai.* 34: "Quodcunque nomen ex quacunque causa dederimus iis qui in idem contracti fuerint . . . *hetaeriae* aequae brevi fient."

<sup>15</sup> *Ibid.* 93.

<sup>16</sup> *Ibid.* 96, 7.

<sup>17</sup> See Foucart, *Des Associations religieuses chez les Grecs*.

<sup>18</sup> Joseph. *Ant. Jud.* xiv. 10, 6, cited on p. 17.

regulations which limited or forbade these *θίασσοι*: the Christians were not. There is therefore *prima facie* some difficulty in understanding how the Christians were enabled to develop as they did in spite of the fundamental illegality in their external organization. But, in the first place, this difficulty is far from being unique or limited to the Christians. Inscriptions prove to us the existence in immense numbers, and in every part of the empire, of *collegia* of every sort and kind, with regard to only a very small minority of which there is any sign that they were licensed either by the senate or by the emperor. When we regard this fact, which a reference to the index of any volume of the "Corpus Inscriptionum" will abundantly verify, and then turn to such statements in the "Digest" as the following, "Mandatis principalibus praecipitur praesidibus provinciarum ne patiantur esse collegia sodalicia;"<sup>19</sup> or "collegia si qua fuerint illicita mandatis et constitutionibus et senatus consultis dissolvuntur"<sup>20</sup> — and regard these as precise statements of the imperial practice — we seem involved in a difficulty and contradiction at least as great as that which confronts us in dealing with the Christian communities. Nor is this difficulty entirely met by supposing that a large number of these inscriptions are subsequent either to the time of Severus, who, as we shall see, facilitated the existence of the so-called *collegia tenuiorum* in the provinces, or to that of Alexander Severus, who did something towards impressing the *collegia* into the service of the state,<sup>21</sup> for, after all deductions on these grounds, the number of known *collegia* would still remain a very large one. Unfortunately, a thorough examination of this question is impossible, because literature is practically silent on the subject; and though the inscriptions are very numerous, the light which we gain from them concerns mainly the organization of the *collegia*, and not

<sup>19</sup> *Dig.* xlvii. 22, 1.

<sup>20</sup> *Ibid.* xlvii. 22, 3.

<sup>21</sup> *Vit. Alex. Sev.* 33: "Corpora omnium constituit vinariorum, lupinariorum, caligariorum, et omnino omnium artium, idemque ex sese defensores dedit et iussit qui ad quos iudices pertineret."



the circumstances of their origin, nor to any great extent their functions as a social or political force.<sup>22</sup> We shall, however, perhaps be able to discover that there are certain considerations, which, if they do not entirely explain the difficulty presented by these two opposite sets of circumstances—the stringent regulations against *collegia* on the one hand, and on the other, their wide extension in spite of these—may yet point out the way to their partial reconciliation.

The reason of the state hostility to *collegia* is to be found in the dread of any combination for political purposes in the subject populations of the empire; but the reality and imminence of this danger varied in different parts of the empire, in different classes of society, and perhaps above all in the different characters of the associations themselves. The policy of the Roman state in such matters was usually more or less opportunist: it was too wise to work an abstract principle of policy to death for the sake of mere consistency; it much more frequently allowed its action to be modified by circumstances; its general enactments were regulative, and pointed in a certain direction, but it was not considered necessary to follow up the course indicated beyond the limit which the circumstances of a particular case required. And this was particularly the case in matters which belonged, as the collegial question did, to the police administration of the city and the provinces, being under the charge of the *præfectus urbi*<sup>23</sup> in the former, and the legates and proconsuls in the latter.

In republican times the right of association had in all probability been free and unimpeded with the simple qualification "*dum ne quid ex publica lege corrumpant*,"<sup>24</sup> and originally there seems to have been a religious root to them all, although this in many cases tended to retire into the background. When a foreign cult was adopted

<sup>22</sup> The most thorough information on the subject is to be gained from Liebenam in the work referred to on p. 129, note 1.

<sup>23</sup> *Dig.* i. 12, 1, 14.

<sup>24</sup> *Dig.* xlvii. 22, 4.

by the state, *sodalitates*, originally perhaps composed of the compatriots of the new deity, were established by the senate for the due observance of the cult. Thus Cato is made to say by Cicero, "*Sodalitates autem me quaestore constitutae sunt sacris Idaeis Magnae Matris acceptis*,"<sup>25</sup> and similarly the introduction of other new cults not authorized by the state was accompanied by the growth of similar *collegia*. So we find *collegia*<sup>26</sup> and *sodalicia*<sup>27</sup> of Isis, just as in much later times there were *collegia* of Serapis,<sup>28</sup> of Sol Invictus,<sup>29</sup> of Jupiter Heliopolitanus, composed of the Berytenses inhabiting Puteoli<sup>30</sup> and many others. But while many of these *collegia* and *sodalitates* retained their primarily religious character, many others, as, e.g. the "*collegia compitalicia*" of the time of Cicero and Clodius, tended to be used either for political ends or at any rate to lead to political results, and by the end of the republic the numerous *collegia* of the city contributed not a little towards the anarchy which characterized the senatorial régime.

It was not, however, only in Rome and Italy that the existence of these associations made itself felt in matters with which professedly they had nothing to do, though, as being nearer to the seat of government, they were perhaps here more dangerous. In the Hellenised provinces of the East there had been for centuries an immense number of religious associations, which, however, they may have escaped the notice of the republican governors, whose year of office was usually occupied with matters of more personal importance to themselves, would certainly, under the empire, be dealt with on the same principles as the Roman and Italian *collegia*. And, indeed, what had been allowed and endorsed under the senatorial government, from the first, as we have seen, attracted the attention and excited the suspicions of the emperors. The principle of the empire in this respect is clearly enough expressed in the words which

<sup>25</sup> *Cat. Mai.* xiii. 45.

<sup>27</sup> *Ibid.* ii. 2730.

<sup>29</sup> *Ibid.* vi. 734.

<sup>26</sup> *C. I. L.* iii. 882, vi. 355.

<sup>28</sup> *Ibid.* ix. 3337.

<sup>30</sup> *Ibid.* x. 1634.

Dio Cassius puts into the mouth of Maecenas : <sup>31</sup> τὸ μὲν θεῖον πάντῃ πάντως αὐτός τε σέβου κατὰ τὰ πάτρια, καὶ τοὺς ἄλλους τιμᾶν ἀνάγκαζε · τοὺς δὲ δὴ ξενίζοντάς τι περὶ αὐτὸ καὶ μίσει καὶ κόλαζε, μὴ μόνον τῶν θεῶν ἕνεκα, ἀλλ' ὅτι καὶ καινὰ τινα διαμόνια οἱ τοιοῦτοι ἀντισταφύροντες πολλοὺς ἀναπείθουσιν ἀλλοτριονομεῖν · κᾶκ τούτου καὶ συνωμοσίαι καὶ συστάσεις ἐταιρεῖαι τε γίνονται. It was this principle which was embodied in the Lex Iulia, a law which, as we have already suggested, primarily concerned only Rome and Italy, though it soon came to be regulative of the action of the provincial governors as well. But there are certain social tendencies which legislation finds it impossible to overcome, and which it is the part of wise statesmanship only to repress when the public interests imperatively demand it. The imperial government had certainly enough statesmanship to realize this, and therefore while Lex Iulia expresses the general attitude of the government towards associations, it can hardly be taken as a stringent rule literally observed, admitting of no exceptions and enforced with equal rigour in all parts of the empire.

The Lex Iulia, as we have seen, consisted of two parts : the dissolution of existing *collegia* "praeter antiqua et legitima," and a provision for the licensing of new ones by the senate or the emperor. Only those *collegia* therefore, strictly speaking, were *legitima* or *licita* which were either specially exempted from the action of this law, like the Jewish communities, or *θείων*,<sup>32</sup> or those, the constitution of which had been specially licensed, and we should probably be tolerably safe in assuming that this licence would only be allowed to those *collegia* which were (1) non-political, and (2) which served some public utility, "si . . . id circo instituta sunt ut necessariam operam publicis utilitatibus exhiberent."<sup>33</sup> So we find among the *collegia* expressly licensed by the senate *dendrophori*,<sup>34</sup> *fabri*<sup>35</sup> and *centonarii*<sup>36</sup> for

<sup>31</sup> Dio Cass. lii. 36.

<sup>33</sup> *Dig.* i. 6, 6, 12

<sup>35</sup> *C. I. L.* vi. 3678, cf. 9405-9415.

<sup>32</sup> *Ant. Iud.* xiv. 10, 6.

<sup>34</sup> Liebenam, p. 105.

<sup>36</sup> Liebenam, p. 102.

the extinguishing of fires; *symphoniaci ludorum causa*; <sup>37</sup> *mensores machinarii frumenti publici*, <sup>38</sup> *fabri navales* at Ostia, <sup>39</sup> etc., while Pliny expressly bases his request for a *collegium fabrum* at Nicomedia on the need of a public fire brigade. <sup>40</sup>

But without a special staff of officials to see that the provisions of the law were carried out, it was quite impossible among the multiplicity of associations all over the empire, and especially in the great cities, to insure the "legitimate" character of all or even most of them. At ordinary times and as a general rule there was, no doubt, considerable laxity in this respect, and a very large number, especially of the religious *collegia*, but probably of funeral and mutual-assistance clubs as well, had received no licence and were therefore, strictly speaking, *illicita*. Most of them were probably too insignificant to attract notice, or if noticed, too obviously harmless to call for interference. And therefore, at ordinary times, when there was no special cause to look askance at associations in a particular province, most of these *illicita collegia* were let alone, especially as most of them were composed of the lowest classes of society, and to a great extent of slaves, against whose combination there was no objection, if their masters consented. <sup>41</sup>

Sometimes, of course, the action of the government was more stringent than at others, and Caligula apparently removed all restrictions—a policy which Claudius did not continue. <sup>42</sup> Trajan set his face, at any rate in Bithynia, against the whole system of *collegia*. Severus again showed himself more indulgent. <sup>43</sup> Nor was it only the varying policy of the emperors themselves which made the treatment of *collegia* now more lax, now more severe. Much also would depend upon particular governors. Thus we hear that Flaccus, praefectus of Egypt under Tiberius, τὰς ἐταιρείας καὶ

<sup>37</sup> C. I. L. vi. 2193.

<sup>39</sup> C. I. L. xii. 256.

<sup>41</sup> Dig. xlvii. 22, 3, 2.

<sup>38</sup> Liebenam, p 75-78.

<sup>40</sup> Ad Trai 33, 3.

<sup>42</sup> Dio Cass. lix. 28.

<sup>43</sup> Dig. xlvii 22, 1.

συνόδους αἱ ἐπὶ προφάσει θυσιῶν εἰσιῶντο τοῖς πράγμασιν ἐμπαροινῆσαι διέλυε,<sup>44</sup> and what he did, no doubt other governors may have done from time to time in other provinces. Still it is quite certain that numerous *collegia*, which were unlicensed or *illicita*,<sup>45</sup> existed, though their existence was always precarious, and they might at any moment be put down. “Nulla dubitatio est,” says the “Digest,” “quod si corpori cui licet coire legatum sit. debeatur; cui autem non licet, non valebit nisi singulis legetur, hi enim non quasi collegium sed quasi certi homines admittentur ad legatum.”<sup>46</sup> In other words, the only *necessary* disadvantage suffered by a *collegium illicitum* was its non-recognition by law as a juristic person. Similarly Tacitus, in describing some disturbances which had taken place at Pompeii, says, “Collegia quae contra leges instituerant dissoluta;”<sup>47</sup> i.e. certain *collegia illicita* were in existence at Pompeii which were now dissolved, not because they were *illicita*, but because disturbances had been caused. So at Amisus, the *eranus* about which Pliny inquires, had clearly had no licence, but it was nevertheless left untouched out of respect to vested rights.<sup>48</sup>

When, however, there was any suspicion of political danger, these *collegia illicita* were at once put down, as by Flaccus in Egypt, by the senate in Pompeii, by Pliny in Bithynia; and as it was this political character and not the mere want of a licence which brought down state interference, in course of time the term “*illicitum*” came to get the meaning of “political” rather than “unlicensed”—a distinction which is more clearly marked in the Greek translation by the substitution of παράνομα for ἀθέμιστα. It is in this sense of the word that such statements in the “Digest” as the following are to be explained: “Quisquis illicitum collegium

<sup>44</sup> Phil. Adv. Flacc. p 966 : Mang. p. 518.

<sup>45</sup> ἀθέμιτον δὲ σύστημα ἢ σωμάτειόν ἐστι τὸ μὴ ἀπὸ νόμου ἢ βασιλέως συστάν. Basilica, lx. 32.

<sup>46</sup> Dig. xxxiv. 5, 20.

<sup>47</sup> Tac. Ann. xiv. 17.

<sup>48</sup> Plin. ad Trai. 94.

usurpaverit ea poena tenetur qua tenentur homines qui hominibus armatis loca publica vel templa occupare iudicati sunt,"<sup>49</sup> and "Sed permittitur tenuioribus stipem menstruam conferre dum tamen semel in mense coeant, ne sub praetextu huiusmodi illicitum collegium coeat."<sup>50</sup> So Trajan reluctantly sanctions the *eranus* at Amisus, provided that it does not tend "ad turbas et illicitos coetus,"<sup>51</sup> where the word must mean "political."

It results from what has been said that the practice of the government in regard to unlicensed *collegia* was not by any means so strict and stringent as by the letter of the law it might have been. It has been very truly said: "Der Caesarismus nahm den obern Classen des Associationsrecht und liess es den andern."<sup>52</sup> It seems to me that this explains a good deal. Apart from the purely religious associations which were, generally speaking, tolerated,<sup>53</sup> there was a distinction more or less broad between the *collegia opificum* and the *collegia sodalicia* (ἐταιρικά συστήματα, *hetaeriae*). About the former we unfortunately know very little. Some of them were of extremely ancient date, and on that ground were expressly exempted from the Lex Iulia. But what seems to have characterized them is the fact that their members either belonged to the same trade or calling, such as the *pistores*, the *fabri navales*, the *caudicarii*, etc., or at least combined for some definite public object, such as the purpose of a fire brigade, e.g. the *fabri*, *centonarii*, *dendrophori*. On the other hand, the *collegia sodalicia* seem to have been more social in their character, to have had no special public utility in view, but to have had common meetings for feasting and recreation, and to have combined either for the special object of a burial

<sup>49</sup> Dig. xlvii. 22, 2.      <sup>50</sup> Dig. xlvii. 22, 1.      <sup>51</sup> *loc. cit.*

<sup>52</sup> Rodbertus, Hildebrand's *Jahrb.* v. 299, cited by Liebenam, p. 32.

<sup>53</sup> Dig. xlvii. 22, 1: "Sed religionis causa coire non prohibentur, dum tamen per hoc non fiat contra senatus consultum quo illicita collegia arcentur."



club<sup>54</sup> or of a mutual assistance society,<sup>55</sup> or of both combined.<sup>56</sup> Probably these two classes frequently overlapped, but still we find that Trajan drew a sharp distinction between them, in refusing to license a fire brigade—*collegium fabrum*—on the express ground that it might degenerate into an *hetaeria*: “Quodcunque nomen ex quacunque causa dederimus iis qui in idem contracti fuerint, hetaeriae aequae brevi fient.”<sup>57</sup>

While the *collegia opificum* would probably all be found among the lower classes, this would not be so necessarily the case with the *collegia sodalicia*, and no doubt from the first the practical policy of the government would be to enforce the law in the case of those who from wealth or social position might have political influence which combination might make dangerous, but to tolerate the harmless associations composed of poor people and slaves.<sup>58</sup> In the course of time this practical policy appears to have crystallized itself in legislation. Thus Marcian states in the “Digest”: “Mandatis principalibus praecipitur praesidibus provinciarum ne patiantur esse collegia sodalicia, . . . sed permittitur tenuioribus stipem menstruam conferre, dum tamen semel in mense coeant, ne sub praetextu huiusmodi illicitum collegium coeat.”<sup>59</sup> The *collegia* among the lower classes and slaves, alluded to in the last clause, were technically known as *collegia tenuiorum*.<sup>60</sup> Mommsen supposes that they were *collegia funeraticia*, and that they were especially exempted from the provisions of the Lex Iulia by a *senatus consultum* at some time between Augustus and Hadrian.<sup>61</sup>

<sup>54</sup> “Qui stipem menstruam conferre volent in funera.” Wilm. 319.

<sup>55</sup> “Ad sustinendam tenuiorum inopiam.” Plin. *ad Trai.* 94.

<sup>56</sup> “Egenis alendis humanisque.” Tert. *Apol.* 39.

<sup>57</sup> Plin. *ad Trai.* 34.

<sup>58</sup> As the Christian communities usually were; cf. Min. Fel. *Octav.* “de ultima faece collectis imperitioribus.”

<sup>59</sup> *Dig.* xlvii. 22, 1.

<sup>60</sup> *Dig.* i. 6, “tenuiores per collegia distributi;” cf. also xlvii 22, 3.

<sup>61</sup> See Liebenam, p. 39 foll.

In the inscription relating to the "Collegium Dianae et Antinoi"—a funeral club at Lanuvium, dating from 133 A.D.—we have apparently a clause from the preamble of this *senatus consultum*: "Kaput ex s. c. populi Romani—Quibus coire, convenire collegiumque habere liceat—qui stipem menstruam conferre volent in funera, in it collegium coeant, neque sub specie eius collegii nisi semel in mense coeant conferendi causa unde defuncti sepeliantur." <sup>62</sup> The *collegium* in question was apparently a purely funeral club, though its members were allowed to have common dinners five times a year, but the statement of the "Digest" seems to show that there were probably at least two other clauses in the *senatus consultum*, one giving a qualified sanction to religious associations ("sed religionis causa coire non prohibentur," etc.), and another sanctioning *collegia tenuiorum* for somewhat wider objects than burials alone. By this *senatus consultum*—which could have had reference at widest to the city, Italy, and senatorial provinces—a legal sanction was given to existing tendencies, and the senate was perhaps relieved from the constant business of licensing these numerous *collegia*. <sup>63</sup> At what precise time the general exemption from the Lex Iulia was extended to the provinces we do not know. The action of Pliny in consulting Trajan about a *collegium* of this description at Amisus shows that it was not in force at that time in Bithynia, and it was possibly not till the time of Severus that it was a general rule throughout the empire—"quod non tantum in urbe sed in Italia et in provinciis locum habere divus quoque Severus rescripsit." <sup>64</sup>

The general result of what has been said is to show that within the restrictions laid upon *collegia* and associations there was still in practice room for Christianity to develop, though it was quite possible at various times for collisions to occur between it and a specially vigilant executive. In this connexion there is no necessity to enter into the question of the early Christian

<sup>62</sup> Wilm. 319.    <sup>63</sup> Cf. Plin. *Panegy.* 32.    <sup>64</sup> *Dig.* xlvii. 22, 1.

organization. The growth of *πρεσβύτεροι* as an order in the community, the differentiation of *ἐπίσκοποι* and their original functions and the development from an aristocratic to a monarchical form of government, concern the history of Christianity, and not the history of the Roman policy towards it. Whatever was the exact constitution of the early communities, it is beyond all doubt that they had certain general and external resemblances to the *collegia* or *θίασοι*, or religious associations around them. If they were in any way affiliated to the Jewish synagogues, these latter were certainly regarded as *θίασοι*, and the Christians would therefore be ranked among them too: or again, if Weingarten<sup>65</sup> is right in supposing that the earliest communities grouped themselves round some leading family, it is still easy to find analogies in the heathen world, where we have a "*collegium quod est in domu Sergiae Paullinae*"<sup>66</sup>—a "*collegium quod consistit in praedis Larci Macedonis*,"<sup>67</sup> etc. The term *ἐκκλησία* itself was used of Greek associations,<sup>68</sup> while conversely Eusebius uses the terms *συναγωγή*, *σύνδοδος* and *τὸ κοινόν* of the Christian Church.<sup>69</sup> To this it may be added that Lucian describes the president of a Christian community as *θιασάρχης*,<sup>70</sup> that Celsus speaks of Christians as *ἰδιοὶ θιασῶται* of Jesus,<sup>71</sup> and finally that a Christian inscription in Africa uses the terms *ecclesia fratrum, cultor, area, cella*,<sup>72</sup> all of them familiar enough in heathen *collegia*. In any case, merely as religious associations, the Christians might well, either "*sub umbraculo religionis certe licitae*"<sup>73</sup> or in common with many other

<sup>65</sup> *Histor. Zeitschr.* xlv. 401 foll., "Die Umwandlung der ursprünglichen christlichen Gemeindeorganisation zur katholischen Kirche," 201. Cf. 1 Cor. xvi. 19; Rom. xvi. 3-16.

<sup>66</sup> *C. I. L.* vi. 9148.

<sup>67</sup> *C. I. L.* vi. 404.

<sup>68</sup> Le Bas-Waddington, 1381-2. *C. I. Gr.* 2271.

<sup>69</sup> Euseb. *H. E.* vi. 19, 16, and, vii. 32, 27.

<sup>70</sup> Lucian, *De Mort. Peregr.*; with which cf. *ἀρχιθιασίτης*, *C. I. Gr.* 2271.

<sup>71</sup> *Orig. Contr. Cels.* iii. 22. <sup>72</sup> *C. I. L.* viii. 9585

<sup>73</sup> Tert. *Apol.* 21.

externally similar bodies, have escaped under ordinary circumstances interference from the government.

There were, however, certain features about Christianity which might bring it into occasional conflict with the Roman policy towards *collegia*. In one respect especially these communities resembled the *hetaeriae* of which Trajan had so much suspicion in Bithynia, in that they met, not only for purely religious purposes, but also for common meals, paid for by contributions from each member (*ἐπαρος*), or by a common fund (*arca*). At first these common meals, the breaking of bread, were of daily occurrence.<sup>74</sup> At a later time, as the immediate expectation of the Second Advent grew fainter, they were held once every week.<sup>75</sup> While the religious services took place in the morning, these *Agapae* or Love-Feasts, at which what was later developed into the Eucharist was combined with an ordinary supper, were held in the evening,<sup>76</sup> and while at the former strangers were admitted, and even welcomed, at the latter no one was allowed to be present except baptized members of the community.<sup>77</sup> As long as the communities were small or undistinguishable from the Jewish, or consisted solely of the very poor and humble these social meetings might for the most part escape notice and interference. But still, apart from the general principles of the Christians, of which we have already treated, it was here that occasion might always be found against them by a suspicious governor. These common meals constituted them *ἐταιρείαι*, or *sodalitates*, and these if unlicensed, as the Christian bodies were, might at any time be put down in the same way that the religious associations in Egypt were by Flaccus.<sup>78</sup> Nor are there wanting indications that the Christians were actually to some extent affected by their existence as *sodalitates*, and that they occasionally laid themselves open to the suspicion of violating the conditions under

<sup>74</sup> Acts ii. 46, but cf. xx. 7.

<sup>75</sup> "Stato die," Plin. *ad Trai.* 96.

<sup>76</sup> *Ibid.* <sup>77</sup> Justin. *Apol.* i. 65.

<sup>78</sup> See p. 137.

which religious associations were tolerated: "dum tamen per hoc non fiat contra senatus consultum quo illicita collegia arcentur." At the same time, incidents of this kind could never amount to anything like a proscription of Christianity.<sup>79</sup>

In Bithynia *factiones* or clubs were a crying danger in Trajan's time. The disturbances caused by them were one of the reasons why Pliny was sent out,<sup>80</sup> and we have already several times noticed Trajan's refusal to sanction a *collegium fabrum*, lest it should become an *hetaeria*. At one time I was inclined to hold the view that Pliny's action against the Christians was on the score of their being a *collegium illicitum*. This view I have now given up. Pliny would have had no need to consult the emperor on a matter about which his views had been already so clearly expressed, nor would Trajan have uttered his famous decision, "conquirendi non sunt," if he had regarded them as members of an *hetaeria*. But still, the incident shows that the Christians might have been affected in this way. They, as Pliny discovered, contained among their members some of the better classes of society,<sup>81</sup> and these, according to the Christian principles, would take part in whatever of common life

<sup>79</sup> "Bishop Lightfoot says (*Apostolic Fathers*, Part II. vol. i. p. 11): "The mere negative fact that the Christian religion had not been recognized as lawful would be an ample justification for proceeding against the Christians, as soon as it came to be recognized that Christianity was something distinct from Judaism. No positive prohibition was needed. Here was a religion rampant which had never been licensed by the state, and this fact alone was quite sufficient to set the law in motion." This is an altogether misleading and inaccurate statement. The law might in certain cases be set in motion against the Christians as an *illicitum collegium*. As a religion, its *unlicensed* character would only come into consideration when it drew Roman citizens away from the national cult. What is the authority for the statement on p. 20 that "lawful religions held a licence from the state for worship or for sacrifice, and thus their gatherings were exempted from the operation of the law against clubs"?

<sup>80</sup> Plin. *ad Trai.* 34: "Meminerimus provinciam istam eiusmodi factionibus esse vexatam."

<sup>81</sup> "Multi omnis ordinis."

there was in the community ;<sup>82</sup> and one of the features of this common life was a weekly meeting for the purpose of a common meal. If the view taken above is correct, this would have rendered the Christians liable to interference. Bithynia, too, was in an exceptional state, and the ordinary toleration of unlicensed *collegia* was, at any rate for the time, replaced by a stringent enforcement of the provisions of the *Lex Iulia*. Pliny, by Trajan's order, had issued an edict forbidding *hetaeriae*.<sup>83</sup> This did not, indeed, actually affect the Christians. But the reason why it did not is almost more striking than if it had. For in consequence of this edict we find that the Christians gave up their common meal,<sup>84</sup> and so became a purely religious association and not an *hetaeria*: "quod ipsum facere desisse post edictum meum quo secundum mandata tua hetaerias esse vetueram"—a step which of course left the general position of the Christians *qua* potentially "hostes publici" as it was before, though it made them safe from interference on a particular point.

There is no reason to suppose that this edict was anything more than a local one, but still there were always similar dangers in other provinces, and probably in Rome. Nor is it altogether an improbable conjecture that in certain parts of the empire the Agapae were given up in consequence of similar edicts against *hetaeriae*; and the Eucharist in consequence made a part of the morning religious service. At any rate, we find Justin Martyr in his first Apology<sup>85</sup> giving an account of the Eucharist as a separate religious service unconnected with the Agape. We are not without evidence, too, that in the course of the second century the Christians were occasionally regarded as belonging to a secret and

<sup>82</sup> Lactant. *Divin. Inst.* v. 14, 15: "Apud nos inter pauperes et divites, servos et dominos interest nihil."

<sup>83</sup> Plin. *ad Trai.* 97, 7: "Post edictum meum quo secundum mandata tua hetaerias esse vetueram."

<sup>84</sup> *Ibid.*; "Quod ipsum facere desisse post edictum meum," etc.

<sup>85</sup> Justin. *Apol.* i. 65 foll.



illegal association. Celsus seems to have placed this accusation in the forefront of the indictment which he drew up against them: *πρῶτον τῷ Κέλσῳ κεφάλαιόν ἐστι διαβαλεῖν Χριστιανισμόν ὡς συνθήκας κρίβδην πρὸς ἀλλήλους ποιουμένων Χριστιανῶν παρὰ τὰ νενομισμένα.*<sup>86</sup> Similarly in Minucius Felix they are spoken of as "*homines deploratae illicitae ac desperatae factionis,*" as holding "*nocturnae congregationes*" as a "*latebrosa et lucifuga natio.*"<sup>87</sup> It is probable that by about the middle of the second century the Eucharist was generally separated from the Agape, the latter being given up or maintained according to times and circumstances, but always liable to bring the Christians into trouble as an *hetaeria*. Tertullian is a not unimportant witness on this point. We infer from his words that the Eucharist was celebrated in the morning, and as a religious service,<sup>88</sup> but that the Agapae, in the African Church at any rate, were still celebrated; and though Tertullian is conscious of the charge of illegality made against them, he attempts to remove the prejudice and to find with his legal knowledge a legal basis for the social meetings of the Christians. "*Proinde . . . inter licitas factiones,*" he says, "*sectam istam deputari oportebat a qua nihil tale committitur quale de illicitis factionibus timeri solet.*"<sup>89</sup> The object of prohibiting associations was "*ne civitas in partes scinderetur,*" but to attain this end completely it would be necessary to put down the *comitia*, the *concilia*, the *contiones*, and even the *spectacula*. The bases of the Christian union were "*conscientia religionis, disciplinae divinitas, et spei foedus.*"<sup>90</sup> The Christians should be judged by facts, not theories: "*haec coitio Christianorum merito sane illicita si illicitis par, merito damnanda si non dissimilis damnandis.*"<sup>91</sup> And he

<sup>86</sup> Orig. *C. Cels.* i. 1.<sup>87</sup> Min. Fel. *Octav* 8.<sup>88</sup> Tertull. *de Cor.* 3: "Eucharistiae sacramentum et in tempore victus et omnibus mandatur a Domino, etiam antelucanis coetibus, nec de aliorum manu quam Praesidentium sumimus."<sup>89</sup> Tert. *Apol.* 38.<sup>90</sup> *Ibid.* 39.<sup>91</sup> *Ibid.* 39 *ad fin.*

finally exclaims: "Quum probi, quum boni coeunt, quum pii, quum casti congregantur, non est factio dicenda sed curi."

All this clearly enough implies that, in spite of the innocent and harmless nature of the Christian gatherings, they were as a matter of fact regarded as a *factio illicita*. In another passage he asserts this explicitly: "forte in senatus consulta et in principum mandata coitionibus opposita delinquimus."<sup>92</sup> But it is not only on the general harmlessness of the Christian meetings, and on the innocence of their feasts, which, as he says, "de nomine rationem sui ostendunt," that Tertullian bases his defence of the Christian communities. The "Apologeticus" was written very shortly after the rescript of Severus, by which the formation of *collegia tenuiorum* was allowed generally throughout the provinces, and there seems to be no doubt that Tertullian attempted to take advantage of this rescript and to vindicate the meetings of the Christians as a "collegium tenuiorum." After saying that the meetings were presided over by "probatique seniores," he goes on: "etiam si quod arcae genus est, non de honoraria summa quasi redemptae religionis congregatur: modicam unusquisque stipem menstrua die vel cum velit et si modo velit et si modo possit apponit: nam nemo compellitur sed sponte confert. . . . Nam inde non epulis nec potaculis nec ingratis voratrinis dispensatur, sed egenis alendis humanisque et pueris ac puellis re ac parentibus destitutis," etc.<sup>93</sup> There are so many technical terms here, such as *arca*, *honoraria summa*, *stips*, *menstrua die*, and so much similarity to the words in the "Digest" already cited, that we have really no alternative but to suppose that Tertullian is referring to the rescript in question. The Christians, in his view, had the right to be regarded as "licitae factiones," because their objects were the same, though with less admixture of luxury and social enjoyment, as those of the *collegia tenuiorum*. Nor does there seem any reason to suppose

<sup>92</sup> Tert. *Adv. Psychicos*, 13.

<sup>93</sup> Tert. *Apol.* 39.

that such a claim on the part of the Christian communities to be regarded as in the eye of the law a "*collegium tenuiorum*" would be disallowed by the authorities. Such a recognition would not in the slightest degree affect the general relations of the Christians and the government: it was no recognition of Christians and Christianity. In all probability the Christians would describe themselves as "*fratres cultores dei*,"<sup>94</sup> or in some such way: at any rate the designation of *Christiani*, in face of the name being a punishable offence, would be avoided. And therefore their position as a recognized or tolerated *collegium* would in no way prevent persecution "for the name" or accusation under the law of *maiestas*.<sup>95</sup> It would merely give the various Christian communities a certain *locus standi* for their ordinary meetings; it would facilitate their combination for charitable purposes, making it more possible for them to approximate, without the suspicion of dangerous or anti-social communism, to their principle of having all things in common ("*omnia indiscreta sunt apud nos*"<sup>96</sup>); and finally it would secure to them the right of common burial, and the possibility of possessing common burial-places, which the vast system of the

<sup>94</sup> Cf. *C. I. L.* viii. 9585. *Tert. Apol.* 39: "Quod fratrum appellatione censemur." *Just. Apol.* i. 65: ἐπὶ τοὺς λεγόμενους ἀδελφοὺς. De Rossi, *Rom sotter.* i. 105; Liebenam, p. 273. See also Acts xv. 23 and 36, xxi. 7 and 18, xxviii. 14. *Min. Fel. Oct.* 31: "Sic nos . . . fratres vocamus ut unius dei parentis homines."

<sup>95</sup> So it is quite a mistake to suppose that Gallienus in desisting from the persecution set on foot by Valerian acknowledged Christianity as a "*licita religio*." All that he did was to restore to the Christian communities the possession of their burial-grounds (Euseb. *H. E.* vii. 13, 3), which had been taken away by his predecessor (*H. E.* vii. 11, 10). Naturally, in times of persecution even *licita collegia* would not be safe from interference if they were known to consist of Christians, and at times apparently the popular hatred of the Christians, instead of expressing itself by the cry "*Christianos ad leones*," substituted that of "*areae non sint*." *Tertull. ad Scap.* iii. 2: "Sub Hilariano praeside cum de areis sepulchrorum nostrarum adclamassent: *Areae non sint*."

<sup>96</sup> *Tert. Apol.* 39.

Catacombs round Rome proves to have been so essential an element of early Christianity. Indeed, the undoubted possession by the Christians at the end of the second century of *areae* or *coemeteria* of their own seems necessarily to imply that in some way or other they had corporate rights, that their communities ranked as juristic persons—a result which could only follow from their being generally or specially licensed.

It was M. Aurelius who first granted these corporate rights to licensed *collegia*. Thus they had the right of manumitting slaves,<sup>97</sup> and of receiving legacies,<sup>98</sup> and no doubt, either then or little later, of owning land.<sup>99</sup> From the first the Christians, like the Jewish communities at Rome, would if possible be buried together, but this would only be possible if the richer among them who owned burial-places of their own allowed members of the sect to be buried there too along with their own families. Thus it is proved by inscriptions that Flavia Domitilla owned land which was used as an early Christian burial-place,<sup>100</sup> and in which there were in later times extensive catacombs. There is similar evidence to support the view that the Acilii Glabriones owned a burial-place in which Christians were buried together,<sup>101</sup> while smaller

<sup>97</sup> *Dig.* xl. 3, 1: "Divus Marcus omnibus collegiis quibus coeundi ius est manumittendi potestatem dedit."

<sup>98</sup> *Dig.* xxxiv. 5, 20.

<sup>99</sup> Cf. *Dig.* iii. 4, 1: "Quibus autem permisum est corpus habere collegii societatisve sive cuiusque alterius eorum nomine, proprium est ad exemplum reipublicae habere res communes, arcam communem," etc.

<sup>100</sup> Lightfoot, *Clement*, i. 35 foll.; De Rossi, *Rom. sotter.* i. 306, ii. 280 and 360; *C. I. L.* vi. 948, 8942, 16246. See also De Rossi, *Bullet. di Archeol. cristian.* 1865, pp. 17 foll., 33 foll., 41 foll., 84 foll.; 1874, pp. 5 foll., 68 foll., 122 foll.; 1875, pp. 5 foll., 46 foll.; 1877, pp. 128 foll., etc. From De Rossi's investigation it seems that the "coemeterium Domitillae" is to be identified with the Catacombs of the Tor Marancia near the Ardeatine Way. A plot of ground was granted to P. Calvisius Philotas "ex indulgentia Flaviae Domitillae." A tablet is put up to herself and her freed-people by Tatia "nutrix septem liberorum Divi Vespasiani atque Flaviae Domitillae Vespasiani neptis" on land belonging to Flavia Domitilla.

<sup>101</sup> See De Rossi, cited by Ramsay, p. 262.

family burial-places limited to Christian members of the *familia* are also exemplifications of the same tendency.<sup>102</sup>

No doubt, one of the first uses which the Christians would make of their *de facto* recognition as *collegia tenuiorum*, would be the purchase of ground for burial-places. It is not material to our present subject to decide at what date this took place. We know that Pope Zephyrinus, at about 199 A.D., put Callistus over the cemetery at Rome, i.e. probably made him curator of it;<sup>103</sup> and Neumann<sup>104</sup> has inferred partly from this that Pope Victor was the first to register the Christian communities at Rome as *collegia funeraticia*. His argument seems to me far from convincing. The general licence given to *collegia* of this kind in Rome dates back at least as far as to Hadrian's reign, and if we find the African Christians within a very few years of its extension to the provinces by Severus taking advantage of it, we may surely suppose with some reason that the Roman Christians had long since set the example of doing this.

However this may be, the organization of the Christian communities as *collegium tenuiorum* or *funeraticia*, and their recognition as such by the state would only remove, as has already been shown, one particular ground on the score of which they might have been interfered with—an interference which, however frequent, could never have been described as religious persecution on the part of the state. It would, however, give a certain protection and sanction perhaps to the Christian meetings, certainly to the Christian burial-places, which might probably remain unviolated and

<sup>102</sup> De Rossi, *Rom. sotter. cristian.* i. 109 : "M. Antonius Restitutus fecit ypogen sibi et suis fidentibus in Domino." Also *Bullet. di Archeol. cristian.* 1865, p. 54 : "Monumentum Valeri Mercuri et Iulittes Iuliani et Quintilii Verecundes libertis libertabusque posterisque eorum ad religionem pertinentes meam."

<sup>103</sup> Hippolyt. *Haer.* ix. 12 : μεθ' οὗ (Victor) κοίμησιν Ζεφυρίνος τοῦτον μεταγαγὼν ἀπὸ τοῦ Ἀνθείον ἐς τὸ κοιμητήριον κατέστησεν.

<sup>104</sup> p. 108.

secure to them in any but a general and systematic persecution. But when this has been said, all has been said : there was nothing in the partial recognition by the state which would in any way exempt or help to exempt the Christians from whatever measure of persecution they were subject to from the Roman government on more general grounds, as *ἄθροι*, as *rei maiestatis*, or as *hotes publica*.



## X

### Two “Acta Martyrum”

IT was one of the causes of Pliny's hesitation in Bithynia that he had never been present at any of the “*cognitiones de Christianis*.” Our knowledge of the Christian question suffers from the same cause. If we only had accounts of one or two Christian trials similar to those given by Tacitus of the cases of Piso<sup>1</sup> and Libo Drusus,<sup>2</sup> or by Pliny of those of Marius Priscus<sup>3</sup> or Caecilius Classicus,<sup>4</sup> we should be in a position to form much clearer ideas of the relations between the Christians and the government. Still there are two documents which at least deserve to be mentioned in this connexion, and which, so far as they go, give some kind of confirmation to the views which have been expressed above. In all cases, civil and criminal, both at Rome and in the provinces, official protocols were made of the cases which came before the judicial magistrates. Instances of such protocols or “Acta” in civil cases are found in the “Digest” in reference to a case tried before a procurator<sup>5</sup> and to a case in the emperor's court,<sup>6</sup> while the general rule is stated in the Justinian code from an edict of 194 A.D. :<sup>7</sup> “*Is ad quem res agitur acta publica tam criminalia quam civilia exhiberi inspicienda ad investigandam veritatis fidem iubebit.*” That this rule was extended to such trials as those of the Christians we

<sup>1</sup> Tac. *Ann.* iii. 10-18.

<sup>2</sup> Tac. *Ann.* ii. 27-32.

<sup>3</sup> Plin. *Ep.* ii. 11.

<sup>4</sup> Plin. *Ep.* iii. 9.

<sup>5</sup> *Dig.* xxvi. 8, 21.

<sup>6</sup> *Dig.* xxviii. 4, 3.

<sup>7</sup> *Cod. Just.* ii. 1, 2.

have positive evidence. Dionysius of Alexandria gives an account drawn from such official "Acta" of a Christian trial under Valerian before the praefectus Aegypti; <sup>8</sup> and Cyprian's profession of faith was read by his disciples in the "Acta Proconsulis": "Quid nos discipuli secuti apud praesidem dicere deberemus prior apud acta proconsulis pronuntiasti." <sup>9</sup> That the Christians, in cases where they had no opportunity of themselves taking notes at the trials of their martyrs, would gladly avail themselves of these official protocols, is what we should naturally expect; and, as a matter of fact, many instances, according to Professor Ramsay, <sup>10</sup> are recorded in which they purchased from the clerks (*commentarienses*) copies of the official shorthand reports of the proceedings. That there was a collection of such accounts before the time of Eusebius we know from several passages of his "Ecclesiastical History." <sup>11</sup> In the course of time these authentic "Acta" developed or degenerated into the kind of legend with which such collections as that of Ruinart make us familiar. Miraculous incidents of all kinds were added, and in most cases almost every trace of the original account is lost, though Le Blant and Ramsay have shown that careful criticism may occasionally detect a substratum of authentic fact. In striking contrast to these miraculous legends are two documents to which attention has recently been called, and which, by the absence of miraculous features and of exaggeration generally, as well as by their consistency with what we know of the period, seem to be early, if not contemporary, records of Christian trials.

Both of them relate to the reign of Commodus: one of them to the trial of the martyrs of Scili, in Numidia, under the proconsul Saturninus in 181 A.D., the other to the trial of Apollonius in Rome between 180-184 A.D.

<sup>8</sup> Euseb. *H. E.* vii. 11, 5: αὐτῶν δὲ ἐπακούσατε τῶν ὑπ' ἀμφοτέρων λεχθέντων ὡς ὑπεμνηματίσθη.

<sup>9</sup> Cyprian, *Ep.* lxxviii. 2, p. 834.

<sup>10</sup> p. 330.

<sup>11</sup> Euseb. *H. E.* iv. 15, 47: τοῖς τῶν ἀρχαίων συναχθεῖσιν μαρτυρίοις. v. 4, 3: τὸν ἐν τῇ δηλωθείσῃ γραφῇ τῶν μαρτύρων κατάλογον. v. 21, 5: ἐκ τῆν τῶν ἀρχαίων μαρτυρίων συναχθείσης ἡμῖν ἀναγραφῆς.

The "Acta" of the African martyrs were discovered in Greek, probably translated from an original Latin account,<sup>12</sup> in a Parisian MS. of the tenth century,<sup>13</sup> and may profitably be compared with the later version of the martyrdom given in Ruinart.<sup>14</sup> The trial took place before Saturninus, the proconsul, in the *βουλευτήριον* at Carthage. The proconsul said to them: "Ye can find indulgence with our emperor, if ye call to your aid a prudent consideration."<sup>15</sup> The holy Speratus answered and said: "We have never injured nor cursed any man: nay, we rather give thanks if any entreat us evil, for we serve our Lord and King." The proconsul said: "But we also worship God, and our worship is simple. We swear by the genius of our lord the emperor, and we pray for his safety. Ye must do the same likewise." The holy Speratus answered: "If ye will vouchsafe us a favourable hearing, I will reveal to you the mystery of true simplicity." The proconsul said: "So soon as you utter any word disrespectful to our worship I will allow you no further hearing. Swear rather by the safety of our lord the emperor." The holy Speratus answered: "I recognize not the kingdom of this present world. I praise my God and serve him, whom no man hath seen, for that is impossible to the eye of flesh. Robbery have I never committed. Contrariwise, in all my business I render the tax due, for I recognize our Lord the King of kings and the Ruler over all peoples." The proconsul said to the others: "Abjure the faith which this man hath professed." The holy Speratus answered: "To commit murder and to bear false witness is a dangerous persuasion." The proconsul said: "Take no part in such folly and obstinacy." The holy Cittinus took up the word and said: "There is

<sup>12</sup> They are published by Usener—*Acta Martyrum Scilitanorum* Graece edita, Bonn, 1881—who points out such expressions as *πιθανότης* = *persuasio* and *διαμείναι πορεύομαι* = *perseveratum eo* as indicating a Latin original.

<sup>13</sup> *Cod. Par. Graec.*, No. 1470.

<sup>14</sup> pp. 84–89.

<sup>15</sup> *ἐὰν σώφρονα λογισμὸν ἀνακαλέσησθε.*

no one whom we can fear save the Lord our God, who dwells in heaven." The holy Donata said : " We give honour to the emperor as the emperor, but fear we render to our God." The holy Hestia said : " I am a Christian." The holy Secunda added : " What I am, that will I also remain." Then said the proconsul to the holy Speratus : " Dost thou likewise continue a Christian ? " The holy Speratus said : " I am a Christian." Likewise also said all the other holy ones. The proconsul said : " Will ye not have a space for reflection ? " The holy Speratus said : " In a matter so approved <sup>16</sup> there is no deliberation and no reflection." The proconsul said : " What books have you in your satchel ? " <sup>17</sup> The holy Speratus said : " Our holy writings and the letters also of the holy man Paul." The proconsul said : " Ye shall have a space of thirty days, if so be ye may perchance come to reason." The holy Speratus answered thereto : " I am unchangeably <sup>18</sup> a Christian." The others also with one voice affirmed the same thing. Then the proconsul Saturninus pronounced judgment over them in the following way : " Inasmuch as Speratus, Martzallus, Cittinus, Donata, Hestia and Secunda, as well as the others who have not appeared before us, have professed that they live according to the Christian mode of life, and inasmuch as they remain obstinate in their resolution, notwithstanding that a space was allowed them in which to return to the Roman worship, we give orders that they be executed with the sword." <sup>19</sup>

There is no sign in this account of any departure from the principles of Trajan's rescript. If M. Aurelius inaugurated a severer course, Saturninus at any rate did not carry it out. He clearly had not hunted out the Christians who were brought before him ; he not only

<sup>16</sup> ἐγκρίτω.

<sup>17</sup> ποῖαι πραγματεῖαι ἐν τοῖς ὑμετέροις ἀπόκεινται σκεύεσιν. No doubt the question points to a suspicion of magic.

<sup>18</sup> ἀμετάθετος.

<sup>19</sup> Τοῦ Σπερατοῦ κ. τ. λ. ὅσοι τῷ Χριστιανικῷ θεσμῷ ἑαυτοὺς κατεπηγγέλταντο πολιτεύεσθαι ἐπεὶ καὶ χαρισθείσης αὐτοῖς προθεσμίας τοῦ πρὸς τὴν τῶν Ῥωμαίων ἐπανελθεῖν παράδοσιν ἀκλινεῖς τὴν γνώμην διεμείναν, ξίφει τοῖτους ἀνααιρεθῆναι δεδίκασκεν.

offers pardon on condition of recantation, even pressing on them a delay of thirty days, but he goes so far as to dispense with the test of actual sacrifice to the emperor, if the accused would only swear by his genius. On the other hand the Christians are punished for the name, in consequence of their obstinate profession of it (ἀκλιεῖς τὴν γνώμην), their disobedient refusal to return to the Roman cult, and their refusal to recognize the authority of the kingdom of this world in religious concerns.<sup>20</sup> There is no question of *maiestas*; no mention of any charge of immorality; if any suspicion of magic is implied,<sup>21</sup> no stress is laid on any such charge, and the whole trial is evidently summary and informal, the number of questions asked being solely due to the anxiety of the proconsul to avoid, if possible, extreme measures.

The other document, if anything a still more interesting one, is an account—probably the original "Acta"—of the trial of Apollonius in Rome. This martyrdom is, as is well known, mentioned by Eusebius,<sup>22</sup> who states that an accuser, stirred up by the devil, caused Apollonius to be brought before Perennis; that Perennis, after ordering the informer to be executed, requested Apollonius to give an account of himself before the senate,<sup>23</sup> and that the martyr, after giving a reasonable account of his faith before that body, was beheaded, ὡς ἀνὰ δόγματος συγκλήτου, since an old precedent had been established that Christians who were once brought to trial could be released in no other way than by giving up their profession.<sup>24</sup> Eusebius adds that any one who wishes to know what the martyr said and what he answered to the questions of Perennis, and his whole

<sup>20</sup> ἐγὼ τὴν βασιλείαν τοῦ νῦν αἰῶνος οὐ γινώσκω.

<sup>21</sup> See p. 154, note 17.

<sup>22</sup> Euseb. *H. E.* v. 21.

<sup>23</sup> ὁ δὲ γε θεοφιλέστατος μάρτυς, πολλὰ λιπαρῶς ἱκετεύσαντος τοῦ δικαστοῦ καὶ λόγον αὐτὸν ἐπὶ τῆς συγκλήτου βουλῆς αἰτήσαντος, λογιωτάτην ὑπὲρ ἧς ἐμαρτύρει πίστews ἐπὶ πάντων παρασχὼν ἀπολογίαν κεφαλικὴν κολάσει ὡς ἀνὰ δόγματος συγκλήτου τελειοῦται.

<sup>24</sup> μηδ' ἄλλως ἀφείσθαι τοῖς ἀπαξ εἰς δικαστήριον περιόντας καὶ μηδαμῶς τῆς προθέσεως μεταβαλλομένους ἀρχαίου παρ' αὐτοῖς νόμου κεκρατηκότος.

apology before the senate, can learn it ἐκ τῶν ἀρχαίων μαρτυρίων συναχθείσης ἡμῖν ἀναγραφῆς. The document thus referred to has almost certainly been discovered in an Armenian version, belonging to the fifth century, of a Greek original, by Mr. F. C. Conybeare, "in a repertory of Martyrdoms published by the Mechitarists of Venice in 1874." Mr. Conybeare has published in the *Guardian* for June 21, 1893, an English translation of the "Acta," while Professor Harnack has since published a German translation by Herr Burchardi, with a commentary of his own in the "Sitzungsbericht der königlich Preussischen Akademie der Wissenschaften zu Berlin," xxxvii. 1893.

After a brief introduction, probably by Eusebius, the "Acta" begin abruptly, the first portion being lost. Perennis, the prefect, commanded that he should be brought before the senate, and said to him: "O Apollonius, wherefore dost thou resist the invincible law and decree of the emperors,<sup>25</sup> and dost refuse to sacrifice to the gods?" Apollonius said: "Because I am a Christian; <sup>26</sup> therefore I fear God, who made heaven and earth, and sacrifice not to empty idols." The prefect said: "But thou oughtest to repent of this mind of thine, because of the edicts of the emperors,<sup>27</sup> and take oath by the good fortune of the autocrat Commodus." Apollonius replied: ". . . it is best to swear not at all, but in all things to live in peace and truth; for a great oath is the truth, and for this reason is it a bad and an ill thing to swear by Christ, but because of falsehood is there disbelief, and because of disbelief there is swearing. I am willing to swear in truth by the true God that we, too, love the emperor and offer up prayers for his majesty." The prefect said: "Come then and sacrifice

<sup>25</sup> This need imply no more than the *de facto* procedure which we have seen was pursued in such cases, and which no doubt rested on rescripts from different emperors.

<sup>26</sup> Cf. Plin. *ad Trai.* 96, 5: "Quorum nihil posse cogi dicuntur qui sunt re vera Christiani."

<sup>27</sup> Cf. Trajan's words: "Qui negaverit se Christianum esse idque re ipsa manifestum fecerit, id est supplicando deis nostris."



to Apollo <sup>28</sup> and to the other gods and to the emperor's image." Apollonius said: "As to my change of mind and as to the oath, I have given their answer; but as to sacrifices, I and all Christians offer a bloodless sacrifice to God. . . . Wherefore according to the command of the God-given precept, we make our prayers to Him who dwells in heaven, who is the only God, that men may be justly ruled upon this earth, knowing for certain that he, your emperor, also is established, not through any one else, but only through the one King, God, who holds every one in His hand." The prefect said: "Surely thou wast not summoned hither to talk philosophy. I will give thee one day's respite that thou mayest consider thine interest and advise thyself concerning thy life." And he ordered him to be taken to prison. After three days he ordered him to be brought forward and said to him: "What counsel hast thou found for thyself?" Apollonius answered: "To remain firm in my religion as I told thee before." The prefect said: "Because of the edict of the senate <sup>29</sup> I advise thee to repent and to sacrifice to the gods to whom all the earth gives homage and sacrifices, for it is far better for thee to live among us than to die a miserable death. Methinks thou art not unacquainted with the edict of the senate." Apollonius said: "I know the command of the Omnipotent God, and I remain firm in my religion,<sup>30</sup> and I do no homage to idols made with hands. . . ." The prefect answered: "You have philosophised enough and filled us with admiration; but dost thou not know this, O Apollonius, that it is the command of the senate that no one shall anywhere be named a Christian?" <sup>31</sup> Apol-

<sup>28</sup> Probably, as Harnack suggests, the senate was held in the temple of Apollo on the Palatine.

<sup>29</sup> The edict of the senate was probably a resolution that Apollonius should be treated in the same way as other Christians were.

<sup>30</sup> Apollonius manifests the same *obstinatio* as that displayed by the Bithynian Christians, which Pliny considered to be deserving of death.

<sup>31</sup> i.e. the senate sanctioned, in this particular case of a member of their own body, the course usually pursued, that the *nomen* or profession of Christianity was punishable with death.

lonius answered: "Ay, but it is not possible for a human statute of the senate to prevail over the command of God. . . ." The prefect said: "Art thou bent upon death? . . . I would fain let thee go, but I cannot, because of the command of the senate,<sup>32</sup> and yet with benevolence I pronounce sentence on thee." And he ordered him to be beheaded with a sword. Apollonius said: "I thank my God for thy sentence." And the executioners straightway led him away and beheaded him.

There are several points which are unusual about this trial. In the first place the accused is brought before the court, not of the *praefectus urbi*, as Ptolemaeus and his companions were under Pius, and as Justin was under M. Aurelius, but of the *praefectus praetorio*. This, however, is sufficiently explained by the exceptional position of Perennis, who occupied under Commodus a position similar to that of Sejanus under Tiberius. There was at no time a very distinct line separating the judicial sphere of the *praefectus urbi* and the *praefecti praetorio*, and as the latter became more and more civil rather than military functionaries, their court, even in ordinary circumstances, came to encroach upon and to overshadow that of the senatorial *praefectus*.

A more difficult problem is the part taken in the trial by the senate. Apollonius was clearly first brought before Perennis, evidently because the crime of Christianity was one for the police administration to deal with. Perennis, however, insists that the accused should give an account of himself before the senate. But this by no means meant that the senate was to try the case. This is conclusively proved against Neumann in two ways: (1) by the fact that even in the senate it is Perennis—though not a senator, and strictly having no right to be present in the senate at all, except as an escort to the emperor—who puts the questions and conducts the examination; (2) after the reprieve of

<sup>32</sup> The motive of Perennis in putting the matter in this light is obvious.

three days, Apollonius was brought, as Harnack very clearly shows,<sup>33</sup> not before the senate again, but before Perennis, who passes sentence upon him. We therefore have no instance here, as Neumann thinks, of a Christian trial before the senate. The expressions of Eusebius, ὡς αὖν ἀπὸ δόγματος συγκλήτου and ἐπὶ τοῦ δικαστοῦ, were in themselves against this view, and the "Acta" clearly show it to be wrong. What then was the part which the senate took? and what was the cause of its exceptional interference? The answer, it seems to me, can only be that Apollonius was a senator. Eusebius does not say so: but he tells us that about this time several persons in Rome conspicuous by wealth and birth became Christians.<sup>34</sup> There had clearly been Christian senators when Tertullian wrote the "Apology,"<sup>35</sup> and he had been in Rome under Commodus; and Hieronymus<sup>36</sup> describes Apollonius as "Romanae urbis senator"—a statement which, whether due to evidence independent of Eusebius, or to an inference from his account, as Harnack thinks, is not without its weight. Professor Harnack is inclined to give up the view that Apollonius was a senator, apparently on three grounds: (1) neither Eusebius nor the "Acta" speak of him as one; (2) he was not tried by the senate, but by Perennis; (3) his appearance before the senate is quite well explained by the following passage from Mommsen's "Staatsrecht":<sup>37</sup> "Wenn in der Stadt die capitale Coercition in Fällen von politischer Wichtigkeit zur Anwendung kam, ist dabei wohl regelmässig der Senat hinzugezogen worden. Dasselbe geschieht bei ausserordentlicher Gefährdung der öffent-

<sup>33</sup> (1) Whereas on the first day, the prefect based his action on the edicts of the emperors, he on the second hearing mentions only the resolution of the senate. (2) The way in which Perennis refers to the senate makes it impossible that the proceedings were still in the presence of that body. (3) A philosopher interposes a remark: which might happen in the prefect's court, but was hardly possible in the senate, where non-senators were not admitted.

<sup>34</sup> Euseb. *H. E.* v. 21, 1.

<sup>36</sup> *De Vir. illust.* c. 42.

<sup>35</sup> *Apol.* 37.

<sup>37</sup> *Staatsr.* iii. 1066.

lichen Sicherheit, namentlich bei weit und insbesondere über die Bürgerschaft hinaus sich verzweigenden Verbrechen, also bei religiösen Associationen mit criminalen Tendenzen, bei den Gruppenverbrechen der Giftmischerei, der Brandstiftung u. s. w. Das für diese Judication erforderliche Imperium kann der Senat nicht verleihen, wohl aber die ihm zustehende Einwirkung auf die effective Competenz der Imperienträger in der Weise ausüben, dass er einen Consul oder einen Prätor mit der Handhabung dieser Criminaljustiz beauftragt. In Folge eines derartigen Auftrags richtet der betreffende Magistrat, je nach Umständen mit Zuziehung eines Consilium : der Senat selber fungirt auch in diesem Fall niemals als Gerichtshof."

Of these reasons the first alone seems to me to have any force, and, as Professor Harnack himself allows, it is not conclusive, even apart from the possibility that Apollonius is described as a senator in the lost beginning of the "Acta." The second reason proves nothing. Senators were by no means invariably tried by the senate, except perhaps in the reign of Tiberius. Apollonius, if a senator, would much more naturally have been tried, as no doubt Flavius Clemens and Acilius Glabrio were, by the emperor himself. But Commodus, as we learn expressly from Dio Cassius, neglected all the duties of his position, and Perennis was compelled to administer, not only military affairs, but all other matters as well, and, in fact, to act as vice-emperor.<sup>38</sup> This by itself seems a sufficient explanation why a senator, accused of being a Christian, should come before Perennis rather than the *praefectus urbi*. With regard to the passage quoted from Mommsen, it is enough to say that it has reference solely to republican times, and is quite inappropriate even to the first century of the empire, and still more to the second.

On the other hand, the hypothesis that Apollonius was a senator enables us to suggest a consistent account of

<sup>38</sup> Dio Cass. lxxvii. 9 : τοῦ Κομμόδου . . . τῶν τῇ ἀρχῇ προσηκόντων οὐδέν ὡς εἰπεῖν πράττοντος ὁ Περένιος ἠναγκάζετο οὐχ ὅτι τὰ στρατιωτικὰ ἀλλὰ καὶ τὰλλα διὰ χειρὸς ἔχειν καὶ τοῦ κοινοῦ προστάττειν.

what really happened. Apollonius, a senator, was accused by an informer—perhaps, as Hieronymus states, by one of his own slaves—of being a Christian. An ordinary Christian would have been tried by the *præfectus urbi*, a senator naturally by the emperor. Commodus, however, delegated all such duties to Perennis, and accordingly before Perennis the accused was brought. The prefect, in these somewhat exceptional circumstances, may naturally have desired to relieve himself of some of the responsibility of putting a senator to death, especially as at the beginning of his reign the emperor, perhaps, with a rather bad grace, made some show of deference to the senate's authority,<sup>39</sup> and he accordingly not only allowed but ordered Apollonius to make a statement to him in the presence of the senate, and induced the senate to pass a resolution that the ordinary course of procedure was to be observed in this case, viz, that pardon could only be secured by retractation.<sup>40</sup> Armed with this semi-official authority,<sup>41</sup> Perennis resumed the trial in his own court, and as Apollonius persisted in his profession of Christianity and refused to worship the emperor, he was condemned to death, the only concession made to his senatorial rank being that he was beheaded instead of being exposed to wild beasts.<sup>42</sup> For the rest it is sufficient to point out (1)

<sup>39</sup> Schiller, *Gesch. der röm. Kaiserz.* i. 663.

<sup>40</sup> This seems the best explanation of the words *μηδ' ἀφείσθαι ἄλλως τοὺς ἅπαξ εἰς δικαστήριον παριόντας καὶ μηδαμῶς τῆς προθέσεως μεταβαλλομένους ἀρχαίου παρ' αὐτοῖς νόμου κεκρατηκότος*; cf. Hieronym. *ad loc. cit.* : "veteri apud eos obtinente lege absque negatione non dimitti Christianos."

<sup>41</sup> This seems to give exactly the force required by *ὥσάν ἀπὸ δόγματος συγκλήτου*.

<sup>42</sup> Professor Harnack gives a different explanation. He supposes that the favourable attitude of Commodus towards the Christians under the influence of Marcia had already commenced; that it was with reluctance that the information of the slave was received; that Perennis was expected by the emperor to bring the matter to a favourable termination; that he sought to do this by inducing the senate to pass a resolution exempting Apollonius from the consequences of his obstinacy, and that it was only because he failed in this that he passed sentence on the accused, to whom he showed his favourable attitude by a lighter

that Apollonius was not sought out, but accused ; (2) that it was the mere profession of Christianity apart from any more specific charge which was laid against him, (3) that the worship of the emperor was, as in other cases, used as a test and sign of retractation ; (4) that Perennis, no less than the provincial governors, is anxious to induce this recantation, and so to avoid the necessity of capital punishment.

sentence. This account leaves quite unexplained the position of the senate in the matter, and probably antedates by several years the more indulgent attitude of Commodus.



## XI

### Legions in the Pannonian Rising

MOMMSEN, as is well known, holds the view <sup>1</sup> that after Actium Augustus in his desire to get rid of the huge armies of the Civil Wars, and to keep military expenditure within the narrowest possible limits, retained only eighteen legions. Of these twelve, numbered consecutively I–XII, were probably taken from his own army, the other six, two numbered III,<sup>2</sup> one IV,<sup>3</sup> one V,<sup>4</sup> one VI <sup>5</sup> and one X,<sup>6</sup> from the armies of Lepidus and Antonius :—an arrangement which by making XII the highest number on the list and completing the total by duplicate legions, might have been intended to convey the impression that the number of legions retained was less by one-third than was actually the case. This number, eighteen, Mommsen thinks, was not exceeded by Augustus during by far the greater part of his principate, and was in fact only increased, when the rising of the Dalmatian and Pannonian tribes in 6 A.D. seemed for the moment to place Italy and even Rome within measurable distance of being overrun by barbarian armies.<sup>7</sup> At this crisis

<sup>1</sup> *Res gestae divi Augusti* 2nd ed. pp. 70–76.

<sup>2</sup> III Augusta : III Cyrenaica : III Gallica.

<sup>3</sup> IV Macedonica : IV Scythica.

<sup>4</sup> V Alauda : V Macedonica.

<sup>5</sup> VI Victrix : VI Ferrata.

<sup>6</sup> X Gemina : X Fretensis.

<sup>7</sup> Momms. *loc. cit.* p. 72 “Itaque quam supra proposui coniecturam octo legiones a xiii ad xx creatas esse eo ipso anno 759 propter bellum Pannonicum egregie cum iis conciliatur, quae de rebus per eos annos gestis, dilectibusque institutis tradita accepimus.”

Augustus, if Mommsen's view is correct, suddenly rushed to the other extreme, and regardless of his former policy of keeping down the army, enrolled not only numerous corps of freedmen called *cohortes voluntariorum*, but no less than eight new legions, numbered XIII–XX, thus at once increasing the legionary forces of the empire by very nearly one half.

I think it must be admitted that so sudden and so decided a change of policy, involving the addition of at least 40,000 men to the legionary army, can only be accepted on strong and definite evidence. In itself the simultaneous creation of eight new legions seems highly improbable. Certainly on no other occasion in the imperial history did anything similar take place: and the improbability appears by no means less, when this precipitate action is contrasted with the excessive desire which Augustus had hitherto, according to Mommsen, manifested of making his army appear a small one:—a desire which led to the apparently shallow device of manipulating the legionary numbers in the way already mentioned.

No doubt the crisis was a severe one: Velleius Paterculus might perhaps be suspected of exaggerating its severity in order to magnify the glory of his hero Tiberius: but we have no reason to doubt his statement<sup>8</sup> that the rebel army amounted to 200,000 infantry and 9,000 cavalry, while Suetonius<sup>9</sup> does not hesitate to describe the war as “*gravissimum omnium externorum bellorum post Punica.*” Further than this it seems extremely probable from the statements of Velleius and Dio Cassius that Augustus did on this occasion raise some new legions. Velleius<sup>10</sup> says “*Quin tantus etiam huius belli metus fuit, ut stabilem illum et firmatum tantorum bellorum experientia Caesaris Augusti animum quateret atque terreret. Habiti itaque dilectus: revocati undique et omnes veterani: viri feminaeque ex censu libertinum coactae dare militem.*” Dio Cassius<sup>11</sup> says *πέμπει τὸν Γερμανικὸν καίτοι ταμιεύοντα*

<sup>8</sup> Vell. ii. 110.

<sup>9</sup> Suet. Tib. 16.

<sup>10</sup> ii. 110–111.

<sup>11</sup> lv. 31.

στρατιώτας οἱ οὐκ εὐγενεῖς μόνον ἀλλὰ καὶ ἐξέλευθέρους δούς, ἄλλους τε καὶ ὅσους παρά τε τῶν ἀνδρῶν καὶ παρά τῶν γυναικῶν δούλους πρὸς τὰ τιμήματα αὐτῶν σὺν τροφῇ ἐκμήνῳ λαβὼν ἤλευθέρωσεν. Both statements are vague, but I think that *prima facie* they make it probable that Augustus created both new legions, composed at any rate partly of εὐγενεῖς, and new bodies of libertini.<sup>12</sup> The latter supposition is confirmed by a statement of Macrobius;<sup>13</sup> the former can only be confirmed, if at all, by circumstantial evidence. Mommsen considers that the four following considerations furnish us with such evidence.

(1) All the legions of which mention is made earlier than 6 A.D. belong to those numbered I–XII. Of those numbered above XII, there is no trace that any existed before that date, when legio XX is mentioned as serving in Pannonia under Valerius Messalinus.<sup>14</sup>

(2) A number of legions are mentioned on coins as having contributed veterans to the various military colonies established by Augustus in the earlier part of his principate in Africa, Sicily, Macedonia, Spain, Achaia, Asia, Syria, Gallia Narbonensis and Pisidia:<sup>15</sup> all the legions so mentioned belonging to legions I–XII, those from XIII–XX being conspicuous by their absence, a fact not easily explained, if they were in existence like the rest from the beginning of the reign.

(3) Duplicate legions are found under the numbers III, IV, V, VI, and X—a fact best explained by supposing these legions to have been taken from the armies of the other triumviri—while no duplicate legion is found among those numbered XIII–XX.

(4) The original eighteen legions are found distributed indiscriminately over the whole empire, whereas of the other eight, all, when first becoming known to us, are found on the Rhine or the Danube, XVII, XVIII, and XIX

<sup>12</sup> Suet. *Aug.* 25.

<sup>13</sup> *Sat.* i. 11, 33 Caesar Augustus in Germania et Illyrico cohortes libertinorum complures legit, quas voluntarias appellavit.

<sup>14</sup> Vell. ii. 112.

<sup>15</sup> *Mon. Ancy.* v. 35–36.

in lower Germany in 10 A.D. with Varus,<sup>16</sup> XIII, XIV and XVI in upper Germany in 14 A.D.,<sup>17</sup> XX and XV in Pannonia, the former in 6-7 A.D.,<sup>18</sup> the latter in 14 A.D.

This view of Mommsen, supported on these arguments, has been approved first by Marquardt<sup>19</sup> and more recently by Domaszewski,<sup>20</sup> and may be said to be generally accepted. Pfizner indeed has rejected it,<sup>21</sup> but on entirely uncritical and gratuitous grounds.<sup>22</sup> C. Robert has contested it, but mainly on the ground that the Pannonian rising was not so formidable as Velleius represents it, and that the statements referred to above of Velleius and Dio Cassius point rather to the strengthening of existing legions than to the creation of new ones,<sup>23</sup> and Mommsen has successfully vindicated his view in these respects.<sup>24</sup> More recently fresh objections have been raised by Patsch,<sup>25</sup> (1) on the general ground of the improbability that Augustus would have sent newly raised legions of untried soldiers to so critical a campaign, (2) because Velleius distinctly describes the army of Varus as "exercitus omnium fortissimus disciplina manu experientiaque bellorum inter Romanos milites princeps,"<sup>26</sup> and (3) because several inscriptions relating to legio XX are found in Pannonia and Dalmatia, from which the legion was confessedly removed before

<sup>16</sup> The proofs of this will be given below.

<sup>17</sup> Tac. *Ann.* iv. 5.      <sup>18</sup> Vell. ii. 112.

<sup>19</sup> *Staatsverw.* ii. p. 445.

<sup>20</sup> *Ibid.* 2nd edition; and *West-Deutsche Zeitschrift, Korrespondenzblatt*, 1891, p. 59.

<sup>21</sup> *Gesch. der röm. Kaiserlegionen*, p. 13.

<sup>22</sup> It is extremely desirable that Pfizner's book should be recognized in England, as it is in Germany, to be thoroughly untrustworthy. No statement in it can be safely accepted, which is not confirmed by references, and comparatively few of his statements are so confirmed. It is unfortunate that Prof. Bury in his admirable history of the Empire should have based almost all his statements with regard to the legions on this uncritical work.

<sup>23</sup> *Comptes rendus de l'Académie des Inscriptions*, 1868, pp. 94-107.

<sup>24</sup> *Res. gest. d. Aug.* 2nd ed. p. 73 note.

<sup>25</sup> *West-Deutsche Zeitschrift*, 1890, p. 332 foll.

<sup>26</sup> Vell. ii. 119.

14 A.D. and almost certainly in 10 A.D., mentioning soldiers of the legion who had served as many as seventeen campaigns.<sup>27</sup>

The objections however have been answered by Domaszewski<sup>28</sup> who points out that Augustus may probably have done in this case what Claudius did in 43 A.D. on the creation of duplicate legions numbered xv and xxii, viz. have formed the new legions half of recruits half of old soldiers taken from existing legions.<sup>29</sup> Mommsen himself however apparently thinks no such explanation necessary, and lays stress, regardless of the passage in Velleius, on the fact that the legions of Varus did consist of recruits.<sup>30</sup>

When we turn to the four arguments on which Mommsen relies, it must be admitted that together they have a certain cumulative force, which, in the absence of arguments on the other side, may make his conclusion a not improbable one. Still they are not impervious to criticism.

(1) If it is true that none of the eight legions, xiii-xx, are mentioned before 6 A.D. it is no less the case that of the other eighteen at least six—iii Aug. iv Scyth. vi Ferr. vii, ix Hisp. and xi—cannot be proved to have existed before the end of Augustus' reign, while in the case of one other—iii Cyrenaica—the inference that it existed earlier is based on mere conjecture as to the origin of its cognomen.<sup>31</sup>

(2) The argument derived from the coins of the military colonies is partly the same argument put in an other form, because of the eleven legions admitted above to have existed certainly in the earlier years of Augustus, legions

<sup>27</sup> e.g. *C.I.L.* v. 948, iii. 7452.

<sup>28</sup> *West-Deutsche Zeitschrift, Korrespondenzblatt*, 1891, p. 59.

<sup>29</sup> This is clearly an answer to all three objections of Patsch.

<sup>30</sup> *Res gest. d. Aug.* p. 73 'neque postrema causa cladis Vari-  
anae haec fuit Germanos rem habuisse cum exercitu tironum.

<sup>31</sup> Cyrenaica is taken to point to the legion having belonged to Lepidus. The two legions iv and v called Macedonica are supposed to have been present at the battle of Philippi. On one inscription (*C. I. L.* iii. 551) leg. viii is called Macedonica

I, II Aug.,<sup>32</sup> IV Mac.,<sup>33</sup> V Alaud.,<sup>34</sup> V Mac.,<sup>35</sup> VI Victr.,<sup>33</sup> VIII Aug.,<sup>35</sup> X Gem.,<sup>33</sup> X Fret.,<sup>36</sup> and XII Fulm.,<sup>36</sup> in fact all but III Gallica,<sup>37</sup> are only proved for this earlier period by these coins in question. The other seven legions equally with the eight of Mommsen are absent from these coins. This absence, however, neither in the one case nor the other proves anything as to the non-existence of the legions, for it must be noted that while Augustus says that he planted military colonies in ten provinces, the coins adduced by Mommsen come only from four, and the possibility must not be left out of account that veterans from some of the legions above XII were sent to colonies in Narbonensis or Africa<sup>38</sup> or Macedonia.

(3) The argument that we find duplicate numbers among the legions I–XII and not among the other eight is to a certain extent weakened by the fact that with the exception of legio X, of which there were two, all the duplicate numbers occur in the first six legions, so that VII, VIII, IX, XI and XII are in this respect in the same position as the last eight.

(4) The argument that all these eight legions are, when first heard of, on the Rhine or Danube, has undoubtedly considerable force, especially when added to whatever weight may be assigned to the previous arguments. But here again I would point out (1) that legions XIII, XIV, XV, XVI are not found on these frontiers till 14 A.D., while, as it will appear below that fifteen legions were concentrated in Pannonia in 6–9 A.D., there must have been a considerable redistribution of legions after that date, and there is nothing antecedently improbable in supposing that some of these four legions may have come to Pannonia from the East, and only after the rising were stationed permanently in Pannonia and Germany, (2) it

<sup>32</sup> *C. I. L.* ii. p. 458.

<sup>33</sup> Eckh. i. p. 37.

<sup>34</sup> Eckh. i. 12, *C. I. L.* ii. suppl. p. lxxxviii.

<sup>35</sup> Eckh. iii. p. 356.

<sup>36</sup> *C. I. L.* iii. p. 95

<sup>37</sup> This is proved to have belonged to Antonius by Tac. *Hist.* iii. 24.

<sup>38</sup> An inscription *C. I. L.* viii. 8837 proves that veterans of legio VII were settled at Thubuscum in Africa.



is not altogether safe to draw conclusions from consecutive legions being found in one or two provinces, for in 14 A.D., legions IV, V, VI, VII, VIII, IX, X, XI<sup>39</sup> are all found either in the Danube provinces or in Tarraconensis—a fact which I think may fairly be placed side by side with the fact that, probably in 6–9 A.D., certainly in 14 A.D., legions XIII–XX were on the Rhine and Danube.

I cannot help thinking that these considerations detract something from the probability which is all that Mommsen claims for his arguments,<sup>40</sup> while in what follows I shall attempt to show that apart from these particular objections, there are other considerations, based on facts which Mommsen himself admits, which make it almost necessary to assume that the army before the Pannonian rising must have numbered at least 22 legions.

To state the conclusion in advance which I shall attempt to establish, I should accept half of Mommsen's theory. I think the evidence of Velleius and Dio Cassius and the critical nature of the Pannonian rising make it probable that a certain number of new legions were enrolled at this time. These new legions however were not eight in number but four; and so legions I–XVI, which including the duplicate legions amounted to 22, existed before the rising, and only legions XVII–XX were raised at this time, the first three by Augustus himself in Italy, the last by Tiberius in Pannonia. In favour of this view I shall adduce (1) the improbability of such an unparalleled increase in the number of legions when viewed in relation to the general policy of Augustus, (2) certain considerations which seem to put legions XIII–XVI in a different category from the other four, (3) a review of the imperial armies before the rising, by which it will be seen that the number eighteen is not large enough to satisfy the requirements of the case, and (4) a consideration and reconciliation of four passages

<sup>39</sup> IV, VI and X were in Spain: V in Moesia, VII and XI in Dalmatia: and VIII and IX in Pannonia.

<sup>40</sup> *Loc. cit.* p. 73 note 'Haec quae proposui etsi coniecturarum terminos non ecedere probe scio.'

from Tacitus, Velleius and Suetonius regarding the number of legions under the command of Tiberius at this time

(1) With regard to the general improbability, I will add no more to what I have said. Strong and definite evidence would of course more than cancel this consideration, but Mommsen's four arguments do not amount to this, and I think are outweighed by it. It is perhaps not out of place to mention here that in any case the original number of legions could hardly have been the symmetrical eighteen which Mommsen supposes. For in the year 16 B.C. we learn from Velleius that M. Lollius suffered a defeat in Germany and that the eagle of a legio v was lost.<sup>41</sup> It has usually been assumed that this was the legio v Alauda, which we know to have been in Lower Germany between 14 and 69 A.D. But Domaszewski rightly points out<sup>42</sup> that from all our evidence the annihilation of a legion or the loss of its eagle, the latter being involved in the former, was always followed by the disbanding and disappearance of the legion. The three Varian legions XVII-XIX were never replaced by legions of the same number: the four legions—I, IV Mac. xv Prim. and XVI—whose eagles were disgraced by surrender to Civilis and the oath of allegiance to the Gallic empire,<sup>43</sup> were disbanded by Vespasian: the two legions destroyed respectively in the Suebo-Sarmatian<sup>44</sup> and Dacian wars<sup>45</sup> of Domitian are supposed to have been XXI Rapax and v Alauda, the latter of which probably, the former certainly, disappeared about that time, while legio ix Hispana in Britain similarly disappeared under Hadrian, in whose reign there is known to have been a disaster in that province,<sup>46</sup>

<sup>41</sup> Vell. ii. 97.      <sup>42</sup> *Archaeolog.-epigraph.* Mittheilungen xv., p. 189.

<sup>43</sup> Four of the eight German legions took their aquilae with them, *Hist.* ii. 89: these, as appears from *Hist.* ii. 100, were v, XXI, XXII and I Italica. It was the four whose aquilae remained in Germany that were disbanded: these are described in *Hist.* ii. 100 as vexilla only.

<sup>44</sup> Suet. *Dom.* 6.

<sup>45</sup> Dio Cass. lxxviii. 9.

<sup>46</sup> See Momms. *Röm. Gesch.* v., p. 171 and the passage quoted

and its place was taken by VI Victrix. It was therefore probably not legio v Alaud. which lost its eagle under Lollius, but another legion of the same number, very likely that described on one or two inscriptions<sup>47</sup> as Gallica, while legio v Alauda which was almost certainly in Spain during the early years of Augustus<sup>48</sup> was perhaps not sent to Germany till after this event. On Mommsen's view therefore the original number of legions must have been nineteen: on that here advocated twenty-three.<sup>49</sup>

(2) Legions XIII and XIV are both called "gemina." Mommsen supposes that they were so called, because they were raised at the same time.<sup>50</sup> But then on his view all these eight legions were raised at the same time. Why then should two of them be singled out as geminae? If this was the origin of the cognomen it would seem to point to these legions having been created on a different occasion. But this is not the technical meaning of the term gemina, which we know both from Caesar<sup>51</sup> and from Dio Cassius<sup>52</sup> meant that a legion was created by the fusion of two or more legions into one. That after Actium, or after taking over the legions of Lepidus, there were natural opportunities for such fusion is obvious, but I know of no such opportunity later in the reign, and certainly the occasion of the Pannonian rising was one much more likely to lead to the converse process adopted by Claudius in 43 A.D. As far therefore as the cognomen "gemina" is concerned, it points to these

by him from Fronto "Hadriano imperium obtinente quantum militum a Britannis caesum."

<sup>47</sup> C. I. L. iii. 293 and 294.

<sup>48</sup> See coins of leg. v. Eckh. I, 12, 19.

<sup>49</sup> Would this to any extent explain Dio Cass. iv, 23 *τρία δὲ δὴ τότε καὶ εἴκοσι στρατόπεδα ἦ, ὥς γε ἕτεροι λέγουσι, πέντε καὶ εἴκοσι πολιτικά ἐτρέφετο*, 23 referring to the original number, 25 to that at the end of the reign?

<sup>50</sup> *Loc. cit.* p. 73, note ad fin.

<sup>51</sup> Caes. B. C. 3, 4 (legionem) quam factam ex duabus gemellam appellabat.

<sup>52</sup> Dio Cass. iv, 23 *τὰ δὲ καὶ ἑτέροις τισὶν . . . ἀνemίχθη, ἀφ' οὗπερ καὶ Δίδυμα ὠνομασμένα νερόμισται.*

legions as belonging to the original army of Augustus.<sup>53</sup> Further than this, a certain light, not always very clear, is thrown upon the origin of some of the legions by the ensigns or emblems which belonged to them. Domaszewski has shown<sup>54</sup> that most of these emblems, though not all, were signs of the zodiac. Thus the emblem of those legions which had formed part of Caesar's army was apparently the Bull, Taurus being the sign of the zodiac for the month in which Venus Genetrix, the patron-goddess of the Julian gens, is in the ascendant.<sup>55</sup> The legions created by Augustus himself apparently had the goat as their emblem, because Capricorn was the sign of the zodiac for the month in which Augustus was born.<sup>56</sup> Now if legions XIII and XIV were twin legions in Mommsen's sense of the term, they would naturally both have the same emblem: but as a matter of fact, while legio XIV has the Goat, legio XIII has the Lion. They at any rate therefore had no common origin, even if Domaszewski is wrong in inferring that legio XIII may have been formed from some of the legions of Lepidus—an inference based on the fact that an African legion numbered XVI, probably anterior to the battle of Actium, is also proved to have the Lion for its ensign. With regard to legions XV and XVI there is little or nothing to be said, though it perhaps deserves notice that legio XVI has on two inscriptions the cognomen "Gallica."<sup>57</sup>

<sup>53</sup> The only other legions called *gemina* are legio X, which was confessedly one of the original legions; and the legion enrolled by Galba in Spain and at first called *Galbiana*, Tac. *Hist.* ii., 11 and 86. It was probably afterwards *gemina*, because its full complement was made up of soldiers from the disbanded legions of the Vitellians. There were also two *alae* in the army of Upper Germany at the end of the 1st century, *ala* I Flavia *gemina* and *ala* II Flavia *gemina*. These were in the same way probably *alae* created by Vespasian out of the fragments of several of the *alae* disbanded on account of their behaviour in the war against Civilis.

<sup>54</sup> *Archaeol.-epigr.* Mitth. xv., p. 182 foll. See also die Fahnen im röm. Heere.

<sup>55</sup> The Bull is the emblem of III Gall. IV Mac. V Mac. VII VIII Aug. X Fret. X Gem.

<sup>56</sup> Thus legio II Aug. XIV and XXII have this emblem

<sup>57</sup> Wilm. 1563: Inscr. R. N. 2866

which may possibly point, as in the case of III Gallica and v Gallica, to its being a Caesarian legion, while if xvi was one of the original legions, xv would necessarily be so too.

Turning to the remaining four legions xvii-xx, we may note (1) that, supposing four legions to have been created later than the rest, they would necessarily be these four, i.e. those with the highest numbers, just as xxi and xxii are generally allowed to have been formed after the defeat of Varus, (2) that whatever weight there may be in Mommsen's argument as to legions consecutively numbered being found together, it applies with peculiar force to legions xvii-xix, which are found together in lower Germany and immediately after the Pannonian rising,<sup>58</sup> whereas there is no other instance that I know of in which three consecutive legions are found together. If, as will presently be suggested, three of the German legions were immediately on the rising drafted off to Tiberius, Augustus would naturally fill their places with the newly raised legions. (3) The reason why legio xx is not found with the other three—a point which might at first sight seem against the supposition that they were raised at the same time—is really rather confirmatory of it. For legion xx was raised by Tiberius himself, no doubt on the first news of the rising. That this was so is, it seems to me, conclusively proved by Domaszewski<sup>59</sup> from Tac. *Ann.* i, 42, where Germanicus, who is addressing the two legions i and xx, but in the camp of the former says, “*Primane et vicensima legiones, illa signis a Tiberio acceptis, tu tot praeliorum socia, tot praemiis aucta, egregiam duci vestro gratiam refertis?*” He addresses himself directly to legio i, which naturally in its own camp would be standing near-

<sup>58</sup> The legions of Varus seem to be identified with certainty as xvii, xviii and xix. xix is mentioned as one of them by Tacitus *Ann.* i, 60: a soldier of legio xviii is mentioned in an inscription from Vetera as killed ‘*bello Variano*’ Bramb. 209, while all three legions are conspicuous by their absence from all records, literary and epigraphical, throughout the empire.

<sup>59</sup> *West-Deutsche Zeitschrift, Korrespondenzblatt*, 1893, p. 262 foll.



est to the tribunal—*tu tot praeliorum socia*—while *legio xx* standing behind or farther off is spoken of as “*illa*.” *Legio xx* then was enrolled by Tiberius and kept for use against the Pannonian rebels.<sup>60</sup> There is therefore good reason why the three legions, if raised by Augustus in Italy, should be together in Germany, and why the fourth legion, as raised by Tiberius himself should be in Pannonia.

(3) But there arises the general question as to the number of troops in the different provinces before the Pannonian rising. Undoubtedly the two most important frontiers were the Rhine and the Danube. On the former there had been almost continual warfare, first under Drusus, then under Tiberius, with the result that all Germany was practically conquered between the Rhine and the Elbe.<sup>61</sup> On the latter, a series of wars had gradually led to the conquest of Dalmatia, Pannonia and Moesia, so that at this time the Danube was the frontier political, if not at all points defended by troops, from Raetia and Noricum to its mouth. It was manifestly impossible for these results to have been achieved without a considerable number of legions. In 5–6 A.D.

<sup>60</sup> Previous to this correct explanation of Domaszewski, the passage has been explained to mean that *legio i* received its signa from Tiberius, and as it was impossible to suppose that *legio i* was wanting from the original list, it was thought to have been in some way involved in the defeat of Varus, in consequence of which it was reconstituted by Tiberius. See Momms. *Res gest.* p. 68, note 1. Now all is plain. *Legio xx* was created by Tiberius in Pannonia, where we find it still ‘*semitplena*’ (Vell. ii., 112) during the war while *legio i*—called Germanica on one or two inscriptions—had shared the German campaigns of Tiberius. The cognomen Valeria of *legio xx* has generally been explained from the fact that the legion served under Valerius Messalinus: but Domaszewski points out (1) that no other instance is known of a legion receiving its name from a subject, (2) that Nero, the cognomen of Tiberius, was a Sabine word meaning “*fortis et strenuus*” (Suet. *Tib.* 1, Aul. Gell. 13, 23), and that therefore Valeria was most probably equivalent to “*valens*” and was chosen as a reminiscence of Nero, the creator of the legion. Conf. *cohors i Breucorum Val(eria) v(ictrix)*.

<sup>61</sup> *Mon. Ancyrr.* v, 26, 10–12.



preparations were made for joining the Elbe line with that of the Danube by taking in the Bohemian kingdom of Maroboduus. The attack was to have been made both from Germany and Illyricum. From the former the legate, Sentius Saturninus, was to lead up his legions by way of the Hercynian Forest ; from the latter Tiberius himself was to lead the Illyrican army from Carnuntum.<sup>62</sup> The strength of these combined armies we know from a passage of Tacitus,<sup>63</sup> where Maroboduus, referring to this occasion, boasts that he had been threatened by twelve legions "se duodecim legionibus petitum duce Tiberio inlibatam Germanorum gloriam servavisse." Of these twelve legions, Mommsen supposes that five belonged to the German army, arguing from the year of Varus' defeat when he had certainly three legions and Asprenas two,<sup>64</sup> and that Tiberius in Dalmatia and Pannonia had seven.<sup>65</sup>

According to Mommsen himself therefore, twelve out of the eighteen legions, which he supposes to have formed the imperial army at the time, were in Germany, Dalmatia and Pannonia. But in addition to the Illyrican army of seven legions, Mommsen evidently supposes at least one to have been in Moesia, for he goes on to say "und die Zahl von zehn (Vell. ii, 113) kann füglich bezogen werden auf den Zuzug aus Mösien und Italien" (i.e. presumably one from Moesia and two from Italy). There remain therefore only five legions for the rest of the empire. But we know that the garrison of Spain at this period was three legions. This is proved for 14 A.D. by Tacitus<sup>66</sup> while the testimony of coins proves the

<sup>62</sup> Vell. ii. 109. <sup>63</sup> *Ann.* ii. 46. <sup>64</sup> Vell. ii. 117 and 120.

<sup>65</sup> *Röm. Gesch.* v., p. 37 note 1. "Nimmt man an, dass von den zwölf Legionen, die gegen Maroboduus im Marsch waren, so viele als wir bald nachher in Germanien finden, also fünf auf dieses Heer kommen, so zählte das illyrische Heer des Tiberius sieben." In the *Res gest. d. Aug.* p. 72, Mommsen does not apparently accept this statement, or at least supposes that it may refer to some later occasion, perhaps after the Pannonian rising was put down. The note quoted above, however, clearly gives up this view.

<sup>66</sup> *Ann.* iv. 5 Hispaniae recens perdomitæ tribus habebantur.

existence of the same three legions there,—viz. iv Mac. vi Victrix and x Gem.—under Augustus.<sup>67</sup> Then Africa was certainly garrisoned by one legion, iii Augusta, under Augustus, as it was afterwards.<sup>68</sup> We learn from Strabo that under Augustus three legions were posted in Egypt, one in Alexandria and two in the country districts<sup>69</sup>—an arrangement which probably existed up to the dislocation of legions at the Pannonian rising: while lastly the important Syrian frontier which in 14 A.D. was garrisoned by four legions had, as we know from two passages of Josephus,<sup>70</sup> at the time when Varus was legate of the province, i.e. between 6–4 B.C., three.

It would therefore appear that previous to the Pannonian rising, instead of the eighteen legions which Mommsen supposes, there must certainly have been twenty-three, or if, as I shall argue below, the Moesian legion was included in the Illyrican army of Tiberius, twenty-two. How Mommsen, who himself supposes, as will have been seen, thirteen legions on the Rhine and Danube, would provide for the other military provinces, I do not know. He leaves this side of the question undiscussed, but the difficulty seems to me to be entirely fatal to his view.

(4) On the other hand, supposing the number of legions to have been twenty-two at the time, or in other words, that XIII–XVI were in existence before 6 A.D., I think we can get a probable and consistent account of what took place. In order to do this, we must start from four statements made by our authorities; (1) that of Tacitus already alluded to that Maroboduus in 5–6 A.D. was threatened by twelve legions,<sup>71</sup> (2) a statement of Velleius<sup>72</sup> that after reinforcements had come to him, Tiberius had ten legions, concentrated in a single encamp-

<sup>67</sup> Eckhel i. 37, conf. *C. I. L.* ii. suppl. p. lxxxviii.

<sup>68</sup> Tac. *Hist.* iv, 48 legio in Africa. . . sub Augusto Tiberioque principibus proconsuli parebat.

<sup>69</sup> Strab. xvii. 1, 12.

<sup>70</sup> Joseph. *Ant. Jud.* xvii. 10, 9 and *Bell. Jud.* ii. 3, 1.

<sup>71</sup> Tac. *Ann.* 2, 46.

<sup>72</sup> Vell. ii. 113 iunctis exercitibus quique sub Caesare fuerant quique ad eum venerant, contractisque in una castra decem legionibus,

ment, (3) another statement of Velleius<sup>73</sup> that five legions were brought over to Tiberius from transmarine provinces by A. Caecina and Plautius Silvanus, and (4) the statement of Suetonius<sup>74</sup> that Tiberius was in command of fifteen legions in this war. With a very slight modification of statement (3), which is manifestly not entirely correct, I propose to accept all these statements and to show that they are consistent with one another and with our other data.

In the first place Maroboduus was threatened with twelve legions, and, as Velleius shows, these were the legions of Germany and the "exercitus qui in Illyrico merebat." That this last expression is inclusive of the Moesian legion or legions, and not exclusive of it, as Mommsen assumes, is I think made probable (1) by such passages as *Tac. Hist.* i, 76—*fiduciam addidit ex Illyrico nuntius, iurasse in eum Dalmatiae ac Pannoniae et Moesiae legiones*," and *Hist.* 2, 85, where the expression *Illyricus exercitus* includes the Moesian legions, (2) by the improbability that the Danube army would be larger than the Rhine army at this time. During the Julio-Claudian emperors, the German legions were eight, the Illyrican never more than seven, frequently less, and the same proportion was observed during the Flavian times. It was not indeed till the second century that the Danube line was considered to require more legions than the Rhine. For the same reason I believe that the German legions numbered six, and the Illyrican six. It is generally assumed that Varus had only five legions in 10 A.D. This however is by no means certain. In addition to the three legions of Varus himself and the two of Asprenas, there were also sufficient troops at Aliso to resist the attack of the Germans, and finally to cut their way to the Rhine.<sup>75</sup> That this was a sixth legion is very probable, though of course not certain, and

<sup>73</sup> Vell. ii. 112 *exercitui quem A. Caecina et Silvanus Plautius consulares ex transmarinis adducebant provinciis circumfusa quinque legionibus nostris*, etc.

<sup>74</sup> Suet. *Tib.* 16 *per quindecim legiones . . . triennio gessit*.

<sup>75</sup> Vell. ii. 120, 4.

indeed Mommsen himself is quite ready to assume the presence of another legion in order to explain the supposed need for reconstituting legio I.<sup>76</sup> We will suppose therefore that there were six legions in Germany and six in Illyricum, and that these were all being concentrated against Maroboduus when the Pannonian rising took place.<sup>77</sup> In such a crisis the six legions forming the Illyrican army were not enough. But there were no legions so near at hand as the German, and it was the obvious course for Tiberius to take some of them. If he took half the German army, i.e. three legions, and hastily raised a new one himself—legio XX Valeria Victrix—we have the situation described by Velleius in statement (2), the number of his legions being ten. Meanwhile in Italy Augustus with all possible haste was raising three new legions XVII, XVIII and XIX, which he naturally sent to Germany to take the place of the three which had joined Tiberius, while orders were sent to the transmarine provinces, i.e. no doubt Syria and Egypt, to send across five more legions. The arrival of these—perhaps three from Egypt and two from Syria—led as far as Moesia by Plautius Silvanus legate of Syria<sup>78</sup> and there joined by A. Caecina legate of Moesia, the bulk of whose army, as I suppose, was already with Tiberius,—brings us to statement (3) and also accounts for the fifteen legions mentioned in statement (4). With regard to these five legions Velleius is inaccurate in two respects, (1) in representing Caecina as helping to lead from across the sea, whereas he could only have joined them in Moesia,

<sup>76</sup> *Res gest. d. Aug.* p. 68 note 1. Itaque ut primae legioni etiam ante cladem Varianam locus inveniatur, fortasse sumi potest eam cladem ad quartam legionem, non aequabiliter tamen, pertinuisse.

<sup>77</sup> It is perhaps necessary to remark that this by no means implies that the full complements of all these legions were taken away from their own headquarters. Probably the same thing took place in this case, and in the case of the five Oriental legions to be noticed directly, as in the Civil War of 69 A.D. when legions are described as marching to Italy, which undoubtedly left a certain proportion of their soldiers behind in Germany.

<sup>78</sup> See Liebenam, *Die Legaten* p. 369.

(2) in placing their arrival at the beginning of the war, for it is quite clear that some considerable time would elapse before they could have arrived on the scene. There is little doubt therefore that chronologically statement (3) should follow statement (2), although from the order in Velleius it might be inferred that these five legions helped to make up the total—ten.

Mommsen explains these numbers differently. According to him, Tiberius had seven to start with in Pannonia : three were then received from Moesia and from the new levies in Italy, thus making the number ten, while five others came from the Eastern provinces and from Germany, the latter being replaced by three new legions from Italy.<sup>79</sup> There are two objections to this view, (1) It entirely sets aside the statement of Velleius that five legions came from transmarine provinces, and supposes that of the five only two really did so, while the other three came from Germany, (2) This explanation only accounts for five of the supposed eight newly raised legions. For if all the eight were, as Mommsen argues, sent to the Rhine or the Danube, we should get according to his reckoning twenty-three legions for these two frontiers,—i.e. the original twelve : one from Moesia, two from the East, and eight new legions, whereas fifteen was the maximum concentrated under Tiberius, and Varus in Germany on Mommsen's view had five. I see no way out of these difficulties except by the explanation which I have suggested.

The rising was hardly over, and the fifteen legions probably not dispersed, when the disaster happened to the three legions of Varus. Two fresh legions—XXI

<sup>79</sup> This seems the only explanation of the note in *Röm. Gesch.* v. p. 37. 'Nimmt man an, dass von den zwölf Legionen, die gegen Maroboduus im Marsch waren, so viele als wir bald nachher in Germanien finden, also fünf auf dieses Heer kommen, so zählte das illyrische Heer des Tiberius sieben, und die Zahl von zehn kann füglich bezogen werden auf den Zuzug aus Mö sien und Italien, die fünfzehn auf den Zuzug aus Aegypten oder Syrien und auf die weiteren Aushebungen in Italien, von wo die neu ausgehobenen Legionen zwar nach Germanien, aber die dadurch abgelösten zu Tiberius Heer kamen.'

Rapax from the vernacula multitudo in the city, and xxii afterwards Deiotariana from soldiers once belonging to the Galatian army,—were enrolled ;<sup>80</sup> so that Augustus had seventeen legions to dispose of, besides the three in Germany, one in Syria, three in Spain, and one in Africa. Of these seventeen, five, including the new legio xxi, were sent to make up eight on the Rhine : three to make up four in Syria : two, including the new legio xxii, to Egypt : thus leaving seven for the Danube provinces, two for Dalmatia, three for Pannonia, and two for Moesia. In this way we arrive at the numbers given by Tacitus for all the provinces for the year 14 A.D.<sup>81</sup>

<sup>80</sup> I do not give the proof for this here, because the supposition is practically accepted by all who have treated the subject

<sup>81</sup> *Ann.* iv. 5.



## XII

### Movements of the Legions from Augustus to Severus

THE civil wars between 49 and 29 B.C. form a period of transition between the military arrangements of the republic and those of the empire, although they have otherwise no important bearing of their own upon the system which the empire was to introduce. They must, however, have proved with sufficient clearness to Augustus that henceforward a military support must underlie whatever supreme authority was to exist at Rome. But it was one thing to recognise this necessity, quite another to proclaim it openly. To be permanent and effectual the support of the army must be unobtrusive. For years both in Italy and the provinces the legions had been a sight far too familiar, and the rest and peace which all hoped for, even if they hardly dared expect it, would have been manifestly a delusion if the vast armies of the last few years were to be kept up.<sup>1</sup> This was the problem which Augustus had to face after Actium. Six years before, indeed, he had had to decide on a similar though less important question. He had then taken from Lepidus no less than twenty legions,<sup>2</sup> including eight which had served under Sextus Pompeius. This had placed at least forty-four legions<sup>3</sup> at his dis-

<sup>1</sup> After the battle of Mutina Octavian had seventeen legions, Antonius sixteen, Lepidus ten, Brutus and Cassius seventeen. Marquardt, *Staatsverwaltung*, ii. 444.

<sup>2</sup> Suet. *Aug.* 16. Appian, *Bell. Civ.* v. 123, gives twenty-two as the number.

<sup>3</sup> Appian, *loc. cit.* v. 127.

posal ; but even with the final struggle against Antonius still to come, he had decided that so large an army was neither necessary nor consistent with considerations either of prudence or finance. He accordingly dismissed twenty thousand of his own veterans, who had seen ten years' service, all those of Pompeius,<sup>4</sup> and probably many which had belonged to Lepidus, leaving himself perhaps twenty-four or twenty-five for the conflict which could not long be avoided. The army of Antonius, as the evidence of coins with tolerable certainty<sup>5</sup> proves, consisted of thirty legions, and therefore, after the battle of Actium, Augustus found himself in possession of at least fifty. That this number must be diminished, and largely diminished, there could be no question ; but the position of affairs on the eastern frontier was certainly such as called for careful consideration before letting slip the opportunity which the presence of so large an army offered for striking a decisive blow in the direction of Parthia. For a generation Armenia had been practically a client of Rome, though an oriental kingdom alike in its history, tendencies, and geographical position.<sup>6</sup> It seemed evident that conditions so anomalous must be provocative of continual ruptures with Parthia, and Augustus with his strong will and unfaltering resolution might have put an end perhaps once for all by a decided blow to a state of tension which the vague schemes of Antonius, so ill carried through, had only made more dangerous. But the policy of the empire was to be peace, and Augustus, possibly with regret, let the opportunity pass, and though he did not renounce the Roman pretensions to interfere with Armenia, he left an army in Syria quite inadequate to take a commanding position in case of need.<sup>7</sup> Nor was this absence of a forward

<sup>4</sup> Dio Cass. xlix. 12-14.

<sup>5</sup> Cohen, i. 26-65. Mommsen, *Res Gestæ div. Aug.* 75.

<sup>6</sup> On position of Armenia see the admirable ninth chapter in the fifth volume of Mommsen's *Roman History*.

<sup>7</sup> Under Quintilius Varus there were only three legions in Syria. Joseph. *Bell. Jud.* II. iii. 1.

policy confined to the east. On the Danube, it is true, the undefined and precarious frontier of Illyricum had to be replaced by one more capable of defence against the Dacian and Sarmatian tribes;<sup>8</sup> but, the frontier once regulated, the attitude of the empire was to be everywhere passive and defensive. The maxim which he handed on to Tiberius, Augustus practised himself from the commencement. The legions, henceforth to constitute a regular standing army with definite winter-quarters or standing-camps, were placed at the extremities of the empire out of sight of the city and Italy, out of sight even, except perhaps in Syria, of the chief provincial towns, but obviously not out of reach should the authority of the principate need support. Accordingly Augustus determined to reduce his army to the smallest size consistent with the safety of the frontiers and the possible need of an armed maintenance of his own position. Of the number and disposition of the legions which were maintained our chief knowledge is gained from the passage in Tacitus<sup>9</sup> referring to the year 23 A.D., in which he informs us that Tiberius then had twenty-five legions, and of these he gives the numerical distribution among the provinces, though without mention of their distinguishing number or *cognomina*. These, however, from other sources,<sup>10</sup> we know to have been the—I Germanica,<sup>11</sup> II Augusta, III Augusta,

<sup>8</sup> Mommsen, *Res Gestæ div. Aug.* ch. xxx.      <sup>9</sup> *Ann.* iv. 5.

<sup>10</sup> In most cases they are identified by other passages in the *Annals*. The *cognomina*, if nowhere stated by Tacitus, are known from inscriptions. For the eight German legions see *Ann.* i. 31, 37, and Henzen, 6453. The three in Spain rest mainly on the evidence of coins. See Florez, *Medallas de las Colonias de España*, i. tab. vi. i. viii. 8; also Tac. *Hist.* ii. 58, and Willmann, 1017. For the two in Africa, see *Ann.* iv. 23, and Orelli, 3057. For the two in Egypt, see Henzen, 6158, and Orelli, 519; conf. also Tac. *Hist.* v. 1. For the four in Syria, see Tac. *Ann.* ii. 79, ii. 57, xv. 6, and *Hist.* iii. 24. For the two in Pannonia, *Ann.* i. 16, the two in Moesia, Henzen, 6938, and C. I. L. iii. 1698, and the two in Dalmatia from Dion Cassius, lx. 15.

<sup>11</sup> This cognomen is found in only one inscription.

III Gallica,<sup>12</sup> III Cyrenaica,<sup>13</sup> IV Macedonica,<sup>14</sup> IV Scythica,<sup>15</sup> V Alauda,<sup>16</sup> V Macedonica, VI Victrix, VI Ferrata, VII (afterwards) Claudia, VIII Augusta, IX Hispania,<sup>17</sup> X Fretensis,<sup>18</sup> X Gemina, XI (afterwards) Claudia, XII Fulminata, XIII Gemina, XIV Gemina, XV Apollinaris, XVI Gallica, XX Valeria Victrix,<sup>19</sup> XXI Rapax, XXII Deiotariana.<sup>20</sup> A little further examination of these legions, however, throws some additional light upon the military arrangements during the time of Augustus himself. In the first place it is almost certain that legions XXI and XXII were created after the disaster to Varus in 9 A.D. We know from Dion Cassius<sup>21</sup> and Suetonius<sup>22</sup> that fresh troops were enrolled then, partly from freedmen,<sup>23</sup> while Tacitus in describing the mutiny of the Lower German army, consisting of legions I, V, XX, XXI, says that the impulse was given by the *vernacula multitudo*<sup>24</sup> lately enrolled in the city. Now the V,<sup>25</sup> XX,<sup>26</sup> I,<sup>27</sup> certainly existed before, and therefore the XXI must have been the one newly created. The XXII was certainly not created before the XXI, and its name Deiotariana seems to show that it was formed from what

<sup>12</sup> Probably levied originally in Gaul.

<sup>13</sup> Belonging to Lepidus's African army.

<sup>14</sup> Mommsen thinks that the legions called Macedonica were present at the battle of Philippi.

<sup>15</sup> Perhaps levied by Julius Cæsar for his intended campaign against Burebistas.

<sup>16</sup> Suet. *Caesar*, 24.

<sup>17</sup> Originally levied from Spain.

<sup>18</sup> Perhaps so called from being present against Sext. Pompeius in the battle fought in the straits of Messina.

<sup>19</sup> Vell. Paterc. ii. 112.

<sup>20</sup> Consisting originally of soldiers of Deiotarus.

<sup>21</sup> Dio Cass. lvi. 23, and lvii. 5.

<sup>22</sup> Suet. *Aug.* 25.

<sup>23</sup> ἀστικὸς ὄχλος.

<sup>24</sup> *Ann.* i. 31. Compare also *orto ab uncticesimanis quintainisque initio*.

<sup>25</sup> Suet. *Caes.* 24.

<sup>26</sup> Vell. Paterc. ii. 112.

<sup>27</sup> Legion I had almost without doubt served in the German campaigns of Tiberius, *tot procliorum socia* (*Ann.* i. 42); and besides we cannot suppose that the first legion was wanting in the original army of Augustus, nor would its raw recruits naturally be sent from the city: while Legion XX had been created by Tiberius in the Pannonian war, *signis a Tiberio acceptis* (*loc. cit.*).

had formerly been the army of Deiotarus, some of whose troops were probably employed by the Romans after his death, though not formed into a regular legion till this emergency.<sup>28</sup> Next, there seems good ground for believing that the eight legions XIII–XX were created at a later time than those from I to XII.<sup>29</sup> For (1) no trace is found of any of these earlier than 6 A.D., (2) none of them are mentioned among the legions whose veterans Augustus settled in colonies, (3) no duplicate numbers are found among them as among many of those below XII, and (4) while the latter are scattered indiscriminately throughout the empire, these eight are all posted either in Germany or Illyricum. It is therefore probable that Augustus at first retained only the legions numbered up to XII, and that it was the unexpected need of troops in the wars on the Rhine and in Illyricum, and especially the formidable rising in Pannonia in the year 6 A.D., which compelled him to create eight fresh legions.<sup>30</sup> Three of these, XVII, XVIII, XIX, were those destroyed with Varus, and accordingly these numbers, as ill-omened, never occur again.<sup>31</sup> Deducting then from Tacitus's list all those over XII, we find that the original number of legions maintained by Augustus was eighteen, though by the retention of several duplicate numbers drafted from the armies of Antonius or Lepidus he was enabled to give his army the appearance of consisting only of twelve legions.<sup>32</sup> Thus the III

<sup>28</sup> We shall see below that both Nero and Vitellius had recourse to whole troops of *peregrini* when they needed additional forces in the civil wars.

<sup>29</sup> Mommsen, *Res. Gestæ div. Aug.* 70. I leave the above statement as I originally wrote it: but would refer my readers to study No. XI in which I show reasons for modifying Mommsen's view with regard to the creation of eight new legions.

<sup>30</sup> Suet. *Aug.* 25: *Libertino milite . . . bis usus est, semel ad praesidium coloniarum Illyricum contingentium, iterum ad tutelam ripae Rheni fluminis.*

<sup>31</sup> The XVIII and XIX legions alone are definitely mentioned as having been with Varus. Tac. *Ann.* i. 60, *C. I. Rh.* 260, but there is no practical doubt about the third.

<sup>32</sup> For the names of many which he disbanded see Marquardt, *Staatsverw.* ii. p. 445.

Gallica was probably a legion of Antonius which had served under him against the Parthians,<sup>33</sup> while III Cyrenaica belonged to the army of Lepidus from Africa. Again, while IV Macedonica had probably belonged to Augustus since the battle of Philippi, IV Scythica had belonged to Antonius in the east. Similarly V Macedonica and VI Ferrata had formed a part of Antonius's army, while of the two legions numbered X the one called Fretensis had certainly belonged to Augustus in the war against Sext. Pompeius, while X Gemina was probably added from one of the other armies.

The method by which these legions were recruited has lately had much light thrown upon it by Mommsen (*Hermes*, xix.), who shows that the broad statement that the legionaries were taken from citizens and the auxiliaries from *peregrini* needs much qualification. Under the republic the military commanders had gradually acquired the right of granting the *civitas* to *peregrini* on their enlistment, a usage which in the confusion of the civil wars was carried to a great length, and whole legions, called *legiones vernaculae*, were in this way enrolled. Augustus discontinued the practice in this wide extent, except in such crises as the defeat of Varus, but he reserved to himself the full right of enlisting *peregrini* into the legions, granting them at the same time the Roman *civitas*. The evidence of inscriptions tends to show that, as a rule, the oriental and Egyptian legions were recruited from the eastern parts of the empire, especially from Galatia, a part where the *civitas* must have been especially rare, while the western and African legions depended mainly upon Italy and the west. This fact not only explains the infrequent changes of legions between east and west, but also the incapacity and want of discipline so often shown by the eastern legions, which required on critical occasions to be reinforced by the sterner legions of the west.

Of the Augustan legions by far the greatest proportion was employed on the Rhine and Danube frontiers.

<sup>33</sup> Tac. *Hist.* iii. 2.



In the former the campaigns of Drusus and Tiberius had at one time extended Roman influence, if not Roman administration, as far as the Elbe. Camps were established at Mogontiacum, Bonna, Vetera, and Alesio, whilst the legions quartered in them had the double duty of keeping down the German tribes on the right bank of the Rhine, and at the same time of being ready at a moment's notice to check any rising among the Gallic cantons.<sup>34</sup> Towards the Danube Augustus gave an entirely new frontier to the empire. Pushing his armies forward from Aquileia towards the north-east, he checked the incursions of the Dacian tribes, and gradually, in place of the loosely organised and vaguely bounded Illyricum, he established three important military provinces of the first rank, Dalmatia or Upper Illyricum, Pannonia or Lower Illyricum, and Moesia.<sup>35</sup> These provinces were guarded by seven legions: camps were formed at Siscia, Carnuntum, Poetovio, Sirmium, Delminium, and Burnum, whilst the Danube was made the political, though hardly yet the military, frontier.<sup>36</sup> These forward movements had not been accomplished without reverses, and in 6 A.D. the determined revolt of the Illyrian tribes was only put down by rallying most of the military forces of the empire to the scene of action. In Spain the obstinate though desultory resistance of the tribes of the Astures and Cantabri necessitated the presence of three legions posted mainly in the north-west, nor could this force be diminished before the reign of Claudius. In the east, as we have seen, Augustus had decided on maintaining the *status quo*, and for this purpose four legions were considered to be sufficient.<sup>37</sup> We may then, with much probability, though not with absolute certainty, assume that just previous to the defeat of Varus the legions were posted as follows :—

<sup>34</sup> In Gaul itself only 1,200 troops were stationed at Lugdunum.

<sup>35</sup> Mommsen, *Röm. Gesch.* v. cap. 1.

<sup>36</sup> Mommsen, *Res. Gestæ div. Aug.* cap. xxx.

<sup>37</sup> Under Varus there were three only, one having been summoned to help Tiberius in Pannonia.

*Lower Germany*: I (afterwards Germanica), v Alauda, xvii, xviii, xix.

*Upper Germany*: <sup>38</sup> II Augusta, xiii and xiv Gemina, xvi Gallica.

*Pannonia*: <sup>39</sup> viii Augusta, ix Hispana, xv Apollinaris, xx Valeria Victrix.<sup>40</sup>

*Dalmatia*: vii and xi (afterwards Claudia).

*Moesia*: iv Scythica, v Macedonica.

*Spain*: iv Macedonica, vi Victrix, x Gemina.

*Syria*: iii Gallica, vi Ferrata, x Fretensis, xii Fulminata.

*Africa*: iii Augusta.

*Egypt*: iii Cyrenaica.<sup>41</sup>

Then in 9 A.D. followed the disaster in Germany and the loss of legions xvii, xviii and xix. To replace these, as we have seen, Augustus hastily raised xxi Rapax, which was despatched to Lower Germany, whilst xx Valeria Victrix, with a recently gained reputation and cognomen, was transferred from Pannonia to the same quarter, the other new legion xxii Deiotariana being sent to reinforce the one legion already in Egypt.

On the death of Augustus a mutiny arose among the three Pannonian legions viii, ix, and xv, who demanded increase of pay,<sup>42</sup> dismissal after sixteen years' service instead of twenty, and exemption from being retained *sub vexillo* after dismissal.<sup>43</sup> A similar mutiny arose, and for the same reasons, in Lower Germany, when the legions xxi, v, i, and xx were under the command of Aulus Caecina, while their example was followed, though with less violence, by those in Upper Germany, ii, xiii, xiv, and xvi. Not without difficulty were these mutinies put down, in Pannonia

<sup>38</sup> The two Germanies were not formally separated as early as this.

<sup>39</sup> The usual number was three, but an extra legion still remained after the rebellion.

<sup>40</sup> Vell. Pat. c. ii. 112.

<sup>41</sup> Egypt had at first had three legions, but two were sent against the Illyrian insurgents, and were afterwards replaced by the new legion xxii Deiotariana. Mommsen, *Gesch.* vol. v. p. 592, and *Res Gestæ div. Aug.* p. 72.

<sup>42</sup> Viz., a denarius *per diem* instead of 10 asses.

<sup>43</sup> Tac. *Ann.* i. 31.

by the younger Drusus, in Germany by Germanicus, who gave his legions the opportunity of retrieving their character by a series of campaigns beyond the Rhine. In this region, however, the defeat of Varus had produced an important change of policy. All thoughts of extending the frontier to the Elbe seem to have been given up, and though posts were still held on the right bank of the Rhine, and though Germanicus was allowed to lead his lately mutinous legions again and again into the heart of Germany, Tiberius was not to be led away by the enthusiasm of the younger general into any permanent deviation from the decision of Augustus, and from the year 17 A.D., when Germanicus was recalled, the Rhine remained practically the frontier for nearly seventy years. Eight legions were, however, still retained as the normal military force, from this time definitely divided into two armies, and placed under the legates respectively of Upper and Lower Germany. Legions I and XX were stationed at Bonna,<sup>44</sup> V and XXI at Vetera, II and XVI at Mogontiacum, and XIII and XIV probably at Argentoratum and Vindonissa.

Tiberius rigidly adhered to the maxim of Augustus not to extend the boundaries of the empire, and accordingly in his reign the movements of the legions were few and unimportant. In 28 A.D. some hostile movements of the Frisii on the sea coast east of the Rhine for a time necessitated the presence of both German armies on the spot, though in what numbers we are not able to say, as it was the custom in such cases to send only *vexillationes*<sup>45</sup> from the more distant legions. Some years earlier the rising of the Numidian Tacfarinas had necessitated the reinforcement of the legio III Augusta by the IX Hispana from Pannonia, which remained in Africa from 20 A.D. till 24 A.D.<sup>46</sup> In the

<sup>44</sup> Tac. *Ann.* i. 16.

<sup>45</sup> A *vexillatio* was a detachment of a legion sent on some campaign at a distance from the headquarters of the legion. Thus, e.g., we learn that *vexillationes* of the German legions at one time served in Britain (Henzen, 5456).

<sup>46</sup> Tac. *Ann.* iii. 9. iv. 23.

east, Cappadocia was organised as a province by Germanicus in 17 A.D. and the Roman frontier pushed to the Upper Euphrates, but Roman legions were not yet permanently posted in this region. Towards the end of the reign, the death of Artaxias of Armenia and the ambition of the Parthian king Artabanos necessitated a forward movement of the Syrian legions under L. Vitellius, which ended before the old emperor's death in the submission of Artabanos, and the recognition of the Roman candidate Mithridates as king of Armenia.<sup>47</sup>

The position of the legions under Tiberius then was as follows :—<sup>48</sup>

*Lower Germany* : i Germanica, v Alauda, xx Valeria Victrix, xxi Rapax.

*Upper Germany* : ii Augusta, xiii xiv Gemina, xvi Gallica.

*Pannonia* : viii Augusta, ix Hispana,<sup>49</sup> xv Apollinaris.

*Dalmatia* : vii and xi (afterwards Claudia).

*Moesia* : iv Scythica, v Macedonica.

*Spain* : iv Macedonica, vi Victrix, x Gemina.

*Syria* : iv Gallica, vi Ferrata, x Fretensis, xii Fulminata.

*Africa* : iii Augusta.

*Egypt* : iii Cyrenaica, xxii Deiotariana.

Under Claudius more extensive changes were made. In 41 A.D. the Lower German legions were again called upon, this time to check the incursions of the Chauci, a fisher-folk between the Ems and the Weser. Soon after L. Domitius Corbulo was appointed to the command, and would probably have soon extended the Roman frontier to the latter river, had not strict orders come from Rome to withdraw all legions to the Rhine, and to leave the region on the right bank to the protection of the Frisii and Chauci themselves. The cause of this backward policy was the recent acquisition of a new province, and the consequent need of, as far as possible, limiting the army in other quarters.

<sup>47</sup> Mommsen, *Röm. Gesch.* vol. v. cap. ix., points out how the anomalous position of Armenia was the constant cause of disputes between the Romans and the Parthians.

<sup>48</sup> Tac. *Ann.* iv. 5.

<sup>49</sup> Except for four years from 20–24 A.D.

The conquest of Britain, attempted by Julius and more than once meditated by Augustus, was hardly an exception to the defensive policy of the latter. Inhabited by kindred tribes and dominated by Druidic influences, independent Britain was a constant source of danger to romanised Gaul. Accordingly, in 43 A.D., Aulus Plautius was sent over to conquer the country. Four legions accompanied him, the ix Hispana <sup>50</sup> from Pannonia, the xx Valeria Victrix <sup>51</sup> from Lower Germany, and the ii Augusta <sup>52</sup> and xiv Gemina <sup>51</sup> from Upper Germany. Pannonia, where the frontier was at this time quiet, was left with two legions only. To replace the three taken from Germany the iv Macedonica was moved from Spain to Upper Germany,<sup>53</sup> whilst by the enlargement and division of two already existing legions two new ones were created, the xv Primigenia for Lower Germany and the xxii Primigenia <sup>54</sup> for Upper Germany. The Upper German legions had on two occasions in this reign to repel incursions of the Chatti, which was henceforward the dominant German tribe in this quarter; first in 41 under the future emperor Galba, and then in 50 A.D. under P. Pomponius Secundus.<sup>55</sup> In Dalmatia a conspiracy made against the emperor by the legate Furius Camillus Scribonianus occasioned the bestowal of the cognomen "Claudia" on the two legions vii and xi, which after a momentary vacillation finally preserved their faith to Claudius.<sup>56</sup> In the east a desultory warfare was maintained against Parthia concerning Armenia, though not till the close of the reign did the war assume such proportions as to call for any fresh distribution of troops or for any extraordinary command. In the year 54, however,

<sup>50</sup> Tac. *Ann.* xiv. 32.

<sup>51</sup> Tac. *Ann.* xiv. 34.

<sup>52</sup> Tac. *Hist.* iii. 44.

<sup>53</sup> Orelli, 1549. Wilmann, 1429.

<sup>54</sup> *Primigenia* was a cognomen given to that part of the original legion which retained the old eagle, while the other portion retained the original cognomen; e.g., Deiotariana and Apollinaris. See Grotefend, in Pauly's *Real-Encyclopädie*, vol. iv. 895.

<sup>55</sup> Tac. *Ann.* xii. 27.

<sup>56</sup> Dio Cassius, lv. 23.



news arrived in Rome that Vologeses had made his brother Tiridates king of Armenia, and Corbulo was immediately sent out by Nero's ministers, Burrus and Seneca, to be governor of Cappadocia. At this time there were still four legions in Syria, VI Ferrata, stationed at Raphanaea, X Fretensis at Cirrhus,<sup>57</sup> XII Fulminata at Antioch, and III Gallica at Samosata on the Euphrates. But the Syrian legions were not to the same extent as those on the Danube and Rhine massed together in permanent camps; they were needed for police duties in the large and restless cities of Syria, and were accordingly more dispersed among the towns and less used to the discipline and training of camp life. Of those legions Ummidius Quadratus, legate of Syria, retained X Ferrata and XII Fulminata, while to Corbulo were assigned in Cappadocia VI Ferrata,<sup>58</sup> III Gallica, and a *vexillatio* of the X.<sup>59</sup> Corbulo, however, found his legions demoralised by their long inactivity; delay was necessary in which to recruit and train them, while an efficient legion from Germany was sent over at his request.<sup>60</sup> This was in all probability the IV Scythica, which in 33 was in Moesia,<sup>61</sup> but which Claudius may probably have moved temporarily into Upper Germany against the Chatti.<sup>62</sup> With these three legions Corbulo in 58 took the offensive, and in two campaigns took Artaxata and Tigranocerta and subdued the whole of Armenia, leaving a garrison of 1,000 legionaries to support the new king Tigranes. Meanwhile, by the death of Quadratus, he became legate both of Cappadocia and Syria, and as Vologeses was still threatening invasion he sent two legions, probably IV and XII, to Armenia, while he himself with the rest advanced to Zeugma on the Euphrates. Soon after Caesennius Paetus, the new legate of Cappadocia, arrived and took the command

<sup>57</sup> Tac. *Ann.* ii. 57.

<sup>58</sup> *Ibid.* xiii. 38.

<sup>59</sup> *Ann.* xiii. 40: *Mediis decimanorum delectis.*

<sup>60</sup> *Ann.* xiii. 35: *Adjectaque ex Germania legio.*

<sup>61</sup> *C.I.L.* iii. 1698.

<sup>62</sup> This is the view taken by Mommsen, *Res. Gestæ div. Aug.* p. 68.



of the two legions already in Armenia<sup>63</sup> and of the v Macedonica, which was now sent from Moesia.<sup>64</sup> Paetus, without waiting for this latter legion, which was still in Pontus,<sup>65</sup> and regardless of the undisciplined condition of xii Fulminata, which had seen no service with Corbulo, advanced rapidly into Armenia and was soon shut up in Rhandeia. Corbulo, in answer to a request for help, sent 1,000 from each of his three legions, but was perhaps not as expeditious as he might have been to help a rival commander. However, Paetus with his two legions capitulated, and the senate, disowning the conditions made by him, Corbulo was once more in command of all the forces in the east, which were now strengthened by another legion, xv Apollinaris, from Pannonia.<sup>66</sup> Sending back the two disgraced legions, xii and iv, into Syria,<sup>67</sup> he led the vi and iii, v and xv, to Melitene on the Upper Euphrates to meet Vologeses. He, however, at the last moment consented to let Tiridates do homage to Rome for the Armenian throne, and the war ended (63 A.D.) without any essential change in the relations between Rome and Parthia.

Meanwhile the place of iv Scythica in Moesia, which had been sent to Corbulo in 54, was supplied by the vii Claudia<sup>68</sup> from Dalmatia, which being no longer a frontier province could well spare one of its two legions.<sup>69</sup> When, later on, the v Macedonica was also sent from Moesia to Paetus in Cappadocia, the viii Augusta<sup>70</sup> was transferred from Pannonia to this province, whilst the other Pannonian legion, xv Apollinaris, was, as we have seen, sent just before the peace to Corbulo. To garrison Pannonia, Nero probably moved xiii Gemina from Upper Germany to Poetovio in that province,<sup>71</sup> whilst

<sup>63</sup> Tac. *Ann.* xv. 6.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ann.* xv. 10.

<sup>66</sup> *Ann.* xv. 26.

<sup>67</sup> *Ibid.*

<sup>68</sup> Tac. *Hist.* i. 79, where Titius Julianus, the legate of this legion, was adorned with the consular ornaments for victories over the Roxolani.

<sup>69</sup> Josephus, *Bell. Jud.* ii. xvi. 4.

<sup>70</sup> *Id.* Its legate Minucius Rufus was similarly adorned.

<sup>71</sup> It was certainly in Pannonia by the end of this reign. Tac. *Hist.* ii. 11,

the XI Claudia, though probably not moved from Dalmatia,<sup>72</sup> was ready at hand in case of emergency. At the end of the Parthian war, therefore, the legions were thus distributed :—

*Lower Germany* : I Germanica, V Alauda, XV Primigenia, XXI Rapax.

*Upper Germany* : IV Macedonica, XVI Gallica, XXII Primigenia.

*Pannonia* : XIII Gemina.

*Dalmatia* : XI Claudia.

*Moesia* : VII Claudia, VIII Augusta.

*Syria* : IV Scythica, III Gallica, VI Ferrata, X Fretensis, XII Fulminata, V Macedonica, XV Apollinaris.

*Britain* : II Augusta, XX Valeria Victrix, IX Hispana, XIV Gemina.

*Spain* : VI Victrix, X Gemina.

*Africa* : III Augusta.

*Egypt* : III Cyrenaica, XXII Deiotariana.

Meanwhile the legions in Britain had had some hard fighting in the year 61. The east and south were now tolerably secure, and Suetonius Paulinus was pressing forward against the Silures in the west. The winter quarters of the II Augusta were at Isca Silurum (Caerleon), those of XIV Gemina at Viroconium,<sup>73</sup> those of XX Valeria Victrix at Deva (Chester), the main strength of the army thus lying face to face with the Welsh tribes, while the east was thought to be sufficiently garrisoned by the IX Hispana at Lindum, Camulodunum being held by the veterans whom Claudius had settled there. But in the year 61, while Suetonius was absent in the west, Boudicca at the head of her own people the Iceni raised a revolt, the Brigantes were induced to join, and soon all the east was in arms. Petilius Cerealis with the IX legion was completely defeated,<sup>74</sup> the veterans at Camulodunum cut to pieces, and Verulamium and

<sup>72</sup> Tac. *Hist.* ii. 11, proves that there was still a legion in Dalmatia in 69 A.D.

<sup>73</sup> Hübner (*Das römische Heer in Britannien*) argues that the XIV was stationed at Camulodunum. I however follow Mommsen on the strength (1) of *C. I. L.* vii. 154 and 155, (2) of the strategical necessities of the case.

<sup>74</sup> Tac. *Ann.* xiv. 32.

Londinium sacked. Suetonius did his best to remedy the results of his own security, but was only able to muster the xiv legion and some *vexillarii* of the xx. With these he hastily marched against the enemy, and, mainly owing to the bravery of the xiv legion, he defeated them. It was necessary, however, to send *vexillarii* from the German legions,<sup>75</sup> and it was some time before confidence was restored.

During all the reign of Nero, but especially towards its close, Moesia was exposed to continual incursions from the Roxolani, Sarmatae, and Dacians north of the Danube. An interesting inscription dating from this reign <sup>76</sup> gives a good idea of what was going on. We learn from it that Plautius Ælianus transferred more than one hundred thousand of the trans-Danubian population to the right bank, put down a rising of the Sarmatae, took hostages from the Bastarnae, Roxolani, and Dacians, thus confirming and extending the peace of the province, and this too *quamvis partem magnam exercitus ad expeditionem in Armeniam misisset*.<sup>77</sup> It was, however, found necessary in addition to the two legions vii Claudia and viii Augusta, which we have seen transferred to Moesia, to send iii Gallica as well from Syria <sup>78</sup> as soon as it could be spared. In that province the iv Scythica seems to have taken the place of the iii Gallica as one of the regular legions,<sup>79</sup> while the other two western legions v Macedonica and xv Apollinaris were about to be sent back when the long unsettled condition of Judaea at last in 66 A.D. led to an outbreak of fanaticism in Jerusalem. C. Sestius Gallus, the legate of Syria, marched at once into Judaea with xii Fulminata and *vexillarii* of iv Scythica and vi Ferrata. He was, however, forced to make a disgraceful retreat, and Titus Flavius Vespasianus was appointed

<sup>75</sup> *Ann.* xiv. 32 and 38.

<sup>76</sup> Wilmann, 1145.

<sup>77</sup> Viz. legions iv Scythica and v Macedonica. See *supra*.

<sup>78</sup> Tac. *Hist.* i. 79, and ii. 74. The exact date is not known, but probably before the Jewish war broke out in 66, as the legion is not mentioned in Josephus's account of the campaign.

<sup>79</sup> Mommsen, *Röm. Gesch.* vol. v. p. 533 note.

the first imperial legate for Judaea. While Mucianus, the new legate of Syria, retained the three Syrian legions VI, IV, and XII, Vespasian at once led forward the xv Apollinaris, while Titus brought up from Alexandria on the gulf of Issus v Macedonica and x Freten-sis,<sup>80</sup> of which at that time the elder Trajan was legate. With these three legions Vespasian in 67 captured successively Jatopata, Jappha, Tiberias, Tarichaea, and Gamala. During the winter following the x legion lay at Scythopolis, and the other two at Caesarea.<sup>81</sup> During the next year Jerusalem was gradually hemmed in, and Vespasian would have commenced the siege in 69 but for the events which were meanwhile happening in Italy.

Towards the close of his reign Nero had conceived vast designs of oriental conquest. A grand expedition was to have been made against the Alani<sup>81a</sup> on the Caspian and another against the Æthiopians. For the latter *vexillarii* of the German legions were already sent to Alexandria to co-operate with the two legions already there,<sup>82</sup> while for the former he had selected xiv Gemina from Britain on account of the prestige it had won against Boudicca,<sup>83</sup> and *vexillarii* were also taken from Germany and Illyricum,<sup>84</sup> though they were soon recalled to put down the rising of Vindex. Apparently also the x Gemina was removed at this time from Spain probably for the same purpose, as we find that Galba in 69 had only one legion there,<sup>85</sup> though it was again in Spain by the next year.<sup>86</sup> The xiv legion had only got as far as Dalmatia when the death of Nero put an end to all thought of the expedition. One fresh legion was created by Nero, though in what year

<sup>80</sup> Josephus, *Bell. Jud.* III. i. 3, iv. ii. Mommsen, *loc. cit.*, points out that Alexandria in Egypt cannot be the place meant.

<sup>81</sup> Josephus, iv. ii. 1.

<sup>81a</sup> See *Hist.* i. 6 where Mommsen has shown that *Alanos*, not *Albanos*, must be the right reading. (*Röm. Gesch.* v. 394.)

<sup>82</sup> Tac. *Hist.* i. 31, 70.

<sup>83</sup> Tac. *Hist.* ii. 11 and 66.

<sup>84</sup> *Hist.* i. 6.

<sup>85</sup> Suet. *Galba*, 10,

<sup>86</sup> *Hist.* ii. 58,

is uncertain. This was called the I Italica,<sup>87</sup> and it was probably sent to Upper Germany in the place of the XIII Gemina which, as we have seen, was sent to Pannonia. At the time of Nero's death, probably in consequence of the rising of Vindex, it was encamped at Lugdunum.<sup>88</sup> At the end of Nero's reign, therefore, the legions were as follows :—

*Lower Germany* : I Germanica, V Alauda, XV Primigenia, XVI Gallica.<sup>89</sup>

*Upper Germany* : IV Macedonica, XXI Rapax, XXII Primigenia.

*Lugdunum* : I Italica.

*Pannonia* : XIII Gemina and possibly X Gemina.

*Dalmatia* : XI Claudia, and temporarily XIV Gemina Martia Victrix.<sup>90</sup>

*Moesia* : VII Claudia, VIII Augusta, III Gallica.

*Britain* : XX Valeria Victrix, IX Hispana, II Augusta.

*Spain* : VI Victrix.

*Syria* : IV Scythica, VI Ferrata, XII Fulminata.

*Judaea* : X Fretensis, V Macedonica, XV Apollinaris.

*Africa* : III Augusta.

*Egypt* : III Cyrenaica, XXII Deiotariana.

Nero's reign had thus involved hard fighting in Syria, Britain, Moesia, and Judaea, but the successful generals were treated with ingratitude or worse. Paulinus was recalled, Plautius Silvanus was neglected, Corbulo was ordered to end his own life, and it was therefore no wonder that the legions were discontented and restless. The first spark was lighted in Gaul, when Vindex, governor of Lugdunensis, roused the Sequani, Aedui, Arverni, and other tribes to revolt, and summoned to his cause the governors of Germany and Spain. Galba, then governor of Tarraconensis, was proclaimed emperor by the VI legion, but Verginius, governor of Upper Germany, led his legions towards Lugdunum which still remained faithful to Nero. By him Vindex was put down, but though Verginius refused the solicitations of his legions who wished to proclaim

<sup>87</sup> Dio Cassius, iv. 24.

<sup>88</sup> *Hist.* i. 59.

<sup>89</sup> At some time before this XXI and XVI had changed places, as we find from Tac. *Hist.* iv. 70, that XXI was now in Upper Germany.

<sup>90</sup> The *cognomina* were probably added after the war in Britain.

him emperor, he acquiesced in the decision of the senate which acknowledged Galba. Galba lost little time in marching to Italy, probably recalling to Spain the x from Pannonia, and taking with him to Italy<sup>91</sup> a new legion, which he levied in Spain, the vii Galbiana,<sup>92</sup> afterwards called Gemina, which, however, was at once sent to Pannonia, where, as we have seen, there had latterly been only been one regular legion. On his arrival in Italy he found a *vernacula legio* which Nero in the despair of his last days had created from the marines of the fleet.<sup>93</sup> Their request that Galba would confirm the creation and grant an eagle was refused at the time,<sup>94</sup> but we learn from two *diplomata militaria*<sup>95</sup> that a few days before his death he granted the *civitas* to those in the legion who had served twenty campaigns,<sup>96</sup> and so no doubt confirmed its legionary character.<sup>97</sup> It was called the i Adjutrix and served on Otho's side in the campaigns against Vitellius.

Meanwhile the legions of Upper Germany, disappointed of their wish to make Verginius emperor and displeased at his recall, showed symptoms of discontent, especially the iv Macedonica and xxii Primigenia. Hordeonius Flaccus, a feeble man and an invalid, had been appointed to the post of Verginius, while A. Vitellius was sent to the lower province and immediately began to make himself popular with the legions by various indulgences,<sup>98</sup> in which he was especially helped by Valens, the legate of one of his legions. On January 1, when the oath to Galba should have been renewed, the i Germanica and v Alauda threw stones at his statues,<sup>99</sup> while the xv Primigenia and xvi Gallica

<sup>91</sup> Tac. *Hist.* i. 6.

<sup>92</sup> *Hist.* ii. 11, iii. 25, and Dio Cass. lv. 24. It was probably called *Gemina*, because the remains of i Germanica were drafted into it.

<sup>93</sup> Suet. *Galba*, 12. Tac. *Hist.* i. 41.

<sup>94</sup> Tac. *Hist.* i. 36, ii. 23, 24, 48.

<sup>95</sup> *C. I. L.* iii. pp. 847-8.

<sup>96</sup> The only legions mentioned in *diplomata militaria* are the two *Adjutrices*, which consisted originally of *peregrini*. Otherwise they refer only to the auxiliary troops.

<sup>97</sup> Dio Cass. lv. 24.

<sup>98</sup> Tac. *Hist.* i. 52.

<sup>99</sup> *Ibid.* i. 55.



were also mutinous and threatening. On the same day in the other army the IV and XXII threw down Galba's statues and took the oath to the senate and Roman people only. When this news was conveyed to Vitellius, he gave his troops the choice of marching against the disaffected legions or choosing another imperator. The hint was taken, and Valens, legate of the I legion, proclaimed Vitellius at Cologne. The other legions followed, first in the Lower province, then in the Upper. By a prudent release of Civilis, a leading man among the Batavians, Vitellius gained to his side eight cohorts of Batavian auxiliaries formerly attached to the XIV legion, while Junius Blaesus, the successor of Vindex as governor of Lugdunensis, also joined his cause, with the legion lying there, I Italica.<sup>100</sup> More important still was the accession of the British legions, which might have made a dangerous diversion in his rear. Though not coming over from their province in force, they contributed *vexillarii* to the army of Vitellius. He determined on a double march to Italy. Caecina with XXI Rapax and *vexillarii* from the other three legions of Upper Germany was to proceed by the Penine Alps, while Valens with V Alauda and chosen bodies from the other legions was to go by way of Gaul and the Cottian Alps.

Meanwhile in Rome, Otho, disappointed by the adoption of Piso, had won the affection of the troops in the city, and on January 18 Galba was murdered. Otho was proclaimed emperor by the prætorian guard, and in March set forward with what troops he had to meet the German armies. There were at Rome at this time a number of legionary troops; *vexillarii* chiefly from the armies of Britain, Germany, and Illyricum,<sup>101</sup> whilst the I Adjutrix, organised by Galba, was also at hand. By these and the prætorian cohorts, and 7,000 gladiators Otho was accompanied, whilst 8,000 troops were sent forward from the four legions of Dalmatia and Pannonia, VII, XI, XIII and XIV.<sup>102</sup> Vitellius him-

<sup>100</sup> Tac. *Hist.* i. 59.

<sup>101</sup> *Id.* i. 31.

<sup>102</sup> *Id.* ii. 11, 24.

self remained for the present in Germany, and Valens and Caecina, after committing many excesses and cruelties on their march, formed a junction in Italy and confronted Otho's forces.<sup>103</sup> These were commanded by the veteran general Suetonius Paulinus and Marius Celsus, who advised that a battle should be delayed till the Illyrian and Moesian legions, which had acknowledged Otho,<sup>104</sup> should come up. Otho was too impatient to follow this advice,<sup>105</sup> and the battle of Bedriacum, fought about the middle of April, was the result. Among the incidents of the battle we find that XXI Rapax and I Adjutrix were opposed to one another, and that the former, after at first losing its eagle, finally repulsed the latter,<sup>106</sup> whilst the *vexillarii* of the XIII and XIV were surrounded and driven back by an attack of the V Alauda.<sup>106a</sup>

Vitellius himself meanwhile was recruiting the legions left behind in Germany. With more German soldiers and 8,000 *vexillarii* from the British legions,<sup>107</sup> he followed his lieutenants into Italy, learning of the success at Bedriacum on his way. Spain had declared for him, and the X legion was ordered by Cluvius Rufus the governor to beat off a threatened attack from the Othonian governor of Mauretania.<sup>108</sup> For the conquered legions Vitellius showed little consideration. Many centurions were killed,<sup>109</sup> the legions were scattered throughout Italy or mixed with the conquerors, while the XIV, whose threatening attitude was most conspicuous, was sent back to Britain in company with the Batavian cohorts, to keep them in check. This nearly led to a battle between them, and ultimately the legion returned to Britain alone.<sup>110</sup> I Adjutrix was sent to Spain,<sup>111</sup> and the XI and VII sent back to their winter quarters in Dalmatia and Pannonia, while XIII Gemina

<sup>103</sup> Tac. *Hist.* ii. 31. <sup>104</sup> *Id.* i. 76. <sup>105</sup> *Id.* ii. 32. <sup>106</sup> *Id.* ii. 43.

<sup>106a</sup> For a fuller account of these movements, see my *Introduction to Plutarch's Galba and Otho*.

<sup>107</sup> *Id.* ii. 57.

<sup>108</sup> Tac. *Hist.* ii. 58.

<sup>109</sup> *Id.* ii. 60.

<sup>110</sup> *Id.* ii. 66.

<sup>111</sup> *Id.* ii. 67, iii. 44.

was ordered to prepare amphitheatres at Cremona and Bononia for a gladiatorial display.<sup>112</sup>

In the east, as we have seen, Vespasian with his three victorious legions, x, v, xv, was just about to besiege Jerusalem when the news arrived of the events in Italy. At first the armies of Judaea and Syria acknowledged Galba, and then Otho,<sup>113</sup> but on the arrival of Titus on the scene a change took place. Whatever jealousy existed before between Mucianus and Vespasian was removed by his skill. The oriental legions now began to reflect on their own strength and to compare themselves with the German legions who had taken on themselves to appoint an emperor. On the death of Otho the oath to Vitellius, though taken, was taken in silence, and they were evidently ready, if the word were given, to repudiate it. The example was given from Egypt, where Tiberius Alexander the prefect administered to his two legions the oath of fidelity to Vespasian. This was in July, and a day or two afterwards the legions of Syria and Judaea did the same, impelled to it partly by the rumours spread by Mucianus that the oriental legions were to be sent by Vitellius to Germany and the German legions to the east.<sup>114</sup> Vespasian had thus two legions in Egypt, three in Judaea, and four in Syria; the Illyrian legions, whose *vexillarii* had been conquered at Bedriacum, were certain to support him, and of the Moesian legions III Gallica, which had formerly been in Syria, was looked on as secure, while the other two would probably take the same side.<sup>115</sup>

It was resolved that a part only of the eastern legions should be sent against Vitellius, as the Illyrian and Moesian legions were not without reason counted upon for help. Accordingly, Mucianus started with vi Ferrata and 13,000 *vexillarii* from the other legions.<sup>116</sup>

The Illyrian legions, however, did not wait for his arrival. The III Gallica set the example to the other two Moesian legions,<sup>117</sup> and all three advanced to

<sup>112</sup> Tac. *Hist.* ii. 67. | <sup>113</sup> *Id.* ii. 6.

<sup>115</sup> *Id.* 74.

<sup>116</sup> *Id.* 83.

<sup>114</sup> *Id.* ii. 80.

<sup>117</sup> *Id.* 85.

Aquileia, at the same time inviting the Pannonian legions, VII Gemina and XIII Gemina, to join them. These at once proclaimed Vespasian under the influence of Antonius Primus, legate of the VII, a man of disreputable antecedents but great energy.<sup>118</sup> The Dalmatian legion, XI Claudia, followed more slowly the example of the rest. At the same time Antonius wrote letters to the XIV legion in Britain and the I Adjutrix in Spain, which had both stood for Otho against Vitellius. Vitellius, now in Rome, after vainly demanding fresh *vexillarii* from Britain and Germany, at last determined to send forward Valens and Caecina<sup>119</sup> with the now demoralised German legions. Caecina marched first with V Alauda,<sup>120</sup> XXII Primigenia, XXI Rapax, and I Italica, and *vexillarii* of the other four legions, while Valens, after in vain trying to retain his part of the army, remained behind ill. Meanwhile, on the other side a council of war was held at Poetovio, the winter quarters of the XIII legion, and, in spite of what seemed more prudent plans, the advice of Antonius Primus for an immediate advance was adopted; while in order to protect Moesia from the barbarian tribes the chiefs of the Sarmatae were entrusted with its defence. Aquileia was seized, then Altinum and Patavium, to which latter place the VII Gemina and XIII Gemina were pushed forward, in spite of emphatic orders from Mucianus that no advance should be made beyond Aquileia.<sup>121</sup> Caecina with his legions was posted near Verona, and by a prompt attack might have overpowered these two Flavian legions. He was, however, meditating treachery towards his chief, and remained inactive. Soon the two Pannonian legions were reinforced by III Gallica and VIII Augusta,<sup>122</sup> and Verona was surrounded. The German legions discovering Caecina's treachery put him in chains and advanced to Cremona, where XXI Rapax and I Italica already formed an advance guard.<sup>123</sup> Antonius, wishing to strike a decisive

<sup>118</sup> Tac. *Hist.* ii. 86.

<sup>119</sup> *Id.* ii. 99.

<sup>120</sup> *Id.* ii. 100.

<sup>121</sup> *Id.* iii. 8.

<sup>122</sup> *Id.* iii. 10.

<sup>123</sup> *Id.* iii. 14.

blow while the Vitellian army was still without a general, advanced with his army to Bedriacum. A cavalry skirmish between that place and Cremona ended in two German legions, XXI and I, being repulsed, and the whole Flavian army advancing to Cremona. A night battle followed.<sup>124</sup> Antonius had five legions, two from Pannonia, three from Moesia. On the Vitellian side all the eight German legions were engaged and *vexillarii* from the three legions of Britain. The battle was confused and obstinate, the VII Gemina losing no less than six of its chief centurions. Victory, however, remained with Antonius. After the rout of Cremona, the conquered legions were dispersed through Illyricum, and the victorious army continued its advance towards Rome, strengthened by the XI Claudia, which had so far kept aloof.<sup>125</sup> The news of the victory at once brought over to the victorious party Spain with its three legions, X Gemina, VI Victrix, and I Adjutrix,<sup>126</sup> and Britain, where Vespasian was remembered as having once been the legate of II Augusta. In Moesia, however, the Dacians took the opportunity of passing the Danube, and would have destroyed the legionary camps had not Mucianus appeared on the scene with VI Ferrata, which he was leading, as we have seen, to Italy.<sup>127</sup>

At Rome Vitellius for the moment roused himself and advanced against the enemy, but returned to the city without attempting to strike a blow. Antonius, joined now by Petilius Cerealis, hastened forward eager to anticipate Mucianus, and Rome was forcibly entered, the praetorian camp stormed, and Vitellius murdered. On the subsequent arrival of Mucianus at Rome, serious events in Germany at once claimed his attention; but his first act was to weaken the influence of Antonius by sending back his former legion VII Gemina to Pannonia and III Gallica from its temporary winter-quarters at Capua to Syria.<sup>128</sup> Before long more serious considerations involved

<sup>124</sup> Tac. *Hist.* iii. 22-25.

<sup>125</sup> *Id.* iii. 50.

<sup>126</sup> *Id.* iii. iii. 44.

<sup>127</sup> *Id.* 46.

<sup>128</sup> *Id.* iv. 39.



greater changes. At the mouth of the Rhine the Batavi had never been made a regular part of the empire, though they had had to furnish auxiliaries. Eight cohorts of the Batavian forces had been attached to the xiv legion in Britain, and had been among the forces present at the first battle of Bedriacum on the side of the Vitellians. They had not, however, heartily joined the German legions, and it was only from motives of prudence that Vitellius had freed Civilis, one of their chief men, from imprisonment on a charge of treason.<sup>129</sup> The tribe remained disaffected after his release, and Antonius before his invasion of Italy took advantage of this and wrote instructions to Civilis by an appearance of revolt to detain the German legions in their province. With this aim Hordeonius Flaccus, now commanding in both provinces, was in secret agreement.<sup>130</sup> Accordingly the levy ordered by Vitellius was refused by the Batavians, who persuaded the Caninefates to take up a similar attitude, and at the same time Civilis sent a message to stop the Batavian cohorts who were at Mogontiacum under orders to proceed to Rome.<sup>131</sup> Meanwhile an attack was made on the winter-quarters of the Roman auxiliaries stationed on the Lower Rhine. At so decisive a step Hordeonius was alarmed, and sent two legions, v Alauda and xv Primigenia, against Civilis. They, however, reduced in numbers and largely composed of recruits, were obliged to retreat to their winter-quarters at Vetera.<sup>132</sup> Hordeonius himself was at Mogontiacum with the two legions of Upper Germany,<sup>133</sup> and when the Batavian cohorts obeyed the summons of Civilis, making no attempt to stop them himself, he ordered I Germanica stationed at Bonna to do so. The legion, however, unsupported by Hordeonius, was repulsed, and the cohorts joined their countrymen. Thus reinforced Civilis advanced to besiege Vetera, a large camp intended

<sup>129</sup> Tac. *Hist.* i. 59.

<sup>130</sup> *Id.* iv. 13.

<sup>131</sup> *Id.* 15.

<sup>132</sup> *Id.* 18.

<sup>133</sup> The other two (xxi and i Italica) had marched entire with Caecina.



for two full legions but now guarded only by 5,000 men.<sup>134</sup> To relieve the place Hordeonius sent forward Didius Vocula, legate of the xxii Primigenia, with that legion and the iv Macedonica. The soldiers, suspecting their leaders of collusion with Civilis, after threats of mutiny proceeded as far as Bonna, where, joining the i legion, still smarting under its recent repulse, they broke out into open violence.<sup>135</sup> Obedience was for the time restored and an advance made to Cologne, where Hordeonius resigned his command to Vocula. Novaesium was next reached, where the xvi Gallica was stationed, and once more the demoralised troops broke out into mutiny, and Herennius Gallus, the legate of the legion, was killed.<sup>136</sup> It was not, however, only the legionaries with their dogged fidelity to Vitellius who were to blame. Vocula, instead of advancing at once with his four legions to the relief of Vetera, remained stationary at Gelduba, and while he thus gave ground for suspicion to his jealous troops, he allowed Civilis to send attacking parties against the Ubii, the Treveri, and even as far as Mogontiacum itself. At this point news arrived of the Vitellian defeat at Cremona, and the legions sulkily took the oath to Vespasian. Civilis, however, who had hitherto nominally fought for Vespasian, now threw away the mask, and still refused to disarm. An attack on Gelduba was victoriously repulsed by Vocula,<sup>137</sup> who even then, however, neglected the chance of relieving Vetera, and when he did advance there, he contented himself with strengthening its defences while he took 1,000 men from the two besieged legions and added them to his own army.<sup>138</sup> Then, finding his men more and more mutinous, he retreated again to Novaesium, upon which Vetera was finally cut off and surrounded. Not unnaturally after this specimen of generalship another mutiny followed. Hordeonius was murdered, and it was only after a

<sup>134</sup> Tac. *Hist.* iv. 22.<sup>135</sup> *Id.* iv. 25.<sup>136</sup> *Id.* 27.<sup>137</sup> *Id.* iv. 32.<sup>138</sup> *Id.* 35.

temporary separation of the lower and upper legions that the two of Upper Germany, xxii and iv and i Germanica of the lower army, followed Vocula back to Mogontiacum.<sup>139</sup>

A fresh danger now threatened the Roman cause. The news successively arriving of the destruction of the Capitoline temple, the death of Vitellius, the invasion of Moesia by the Dacians, and of native risings in Britain, induced the Gallic cantons to think of throwing off the Roman yoke. Under the lead of Classicus and Tutor, the auxiliaries of the Treveri and Lingones suddenly deserted Vocula, who, suspecting nothing, had once more advanced to Cologne, and joined their cause to that of Civilis. Again Vocula withdrew to Novaesium; but the legions, since Vitellius was dead, preferred even a foreign empire to Vespasian,<sup>140</sup> and by a final mutiny, Roman soldiers as they were, they took the oath of fidelity to the so-called Gallic empire, Vocula paying the penalty for his vacillation with his life. The v and xv legions in Vetera, now deprived of all hope, capitulated and took the same oath; but their compliance did not save their lives, and they were annihilated with fire and sword.<sup>141</sup> Of the other four legions two, xvi and i, were sent to garrison the city of the Treveri,<sup>142</sup> while the other two, iv and xxii, were probably kept by Civilis in Lower Germany. At this point, however, the tide began to turn. Jealousy broke out between the Gallic leaders and Civilis, who had not himself recognised the Gallic empire, while the Sequani in Gaul formed the centre of a Roman party there.

Mucianus meanwhile, having provided for the safety of the other provinces by dispersing the conquered Vitellian legions through Illyricum and sending the i Italica entire to Moesia to support the vi Ferrata, had turned his eyes on Germany, and apparently as a first step sent back xxi Rapax to Vindonissa. Before mentioning his further dispositions it will be as well

<sup>139</sup> Tac. *Hist.* 37.<sup>140</sup> *Id.* iv. 54.<sup>141</sup> *Id.* 60.<sup>142</sup> *Id.* 62.

once more to take a bird's-eye view of the present position of the legions.

*Lower Germany* : (v and xv destroyed) xxii Primigenia and iv Macedonica under Civilis.

*Upper Germany* : xxi Rapax.

*Gaul* : i Germanica, xvi Gallica at Trier.

*Pannonia* : vii Gemina and mixed troops of Vitellians.

*Dalmatia* : garrisons of Vitellians.

*Moesia* : i Italica, vi Ferrata, and Vitellian troops.<sup>143</sup>

*Italy* : xiii Gemina, xi Claudia, vii Claudia, viii Augusta.

*Spain* : vi Victrix, x Gemina, i Adjutrix.

*Britain* : ii Augusta, xx Valeria Victrix, ix Hispana, xiv Gemina.

*Syria* : iii Gallica, xii Fulminata, iv Scythica.

*Judaea* : x Fretensis, v Macedonica, xv Apollinaris.

*Africa* : iii Augusta.

*Egypt* : xxii Deiotariana and iii Cyrenaica.

To strengthen his demoralised forces Vitellius had apparently followed the example of Nero and created an irregular legion from the fleet at Misenum.<sup>144</sup> This legion Mucianus in the name of Vespasian formally enrolled under the name of the ii Adjutrix.<sup>145</sup> It was necessary to send an overwhelming force into Germany, where the Roman army at this time was almost non-existent, and one of the first acts of Mucianus, on arriving at Rome, was to provide for the security of the Rhine frontier. Annius Gallus and Petilius Cerealis were chosen as legates, the former of Upper, the latter of Lower Germany :<sup>146</sup> while light legions were ordered to march into Germany. Of these, only one (xxi Rapax) belonged to the old German army.<sup>147</sup> Three belonged to the victorious army of the Flavians (vii Claudia from

<sup>143</sup> Tac. *Hist.* iii. 46.

<sup>144</sup> This is clear from *Hist.* iii. 55, where a *legio e classicis* is mentioned at a time when the i Adjutrix was certainly in Spain. Conf. *Hist.* ii. 67 and 86.

<sup>145</sup> Dio Cass. lv. 24 ; and a military diploma dated March 7, 70, granted to the veterans of the ii Adjutrix, *C. I. L.* iii. 849 and 907.

<sup>146</sup> *Id.* iv. 68

<sup>147</sup> Probably a small division of legion may have been left behind at Vindonissa : but, if so, it had taken no part in the rising of Civilis.

Moesia, XI Claudia from Dalmatia, and VIII Augusta from Moesia).<sup>148</sup> One was the II Adjutrix, a legion raised by Vitellius from the *classarii* of Ravenna, and presented with its eagle by Vespasian. Of the other three, one was the famous XIV Gemina, which was to cross over from Britain, and the remaining two were VI Victrix and I Adjutrix from Spain.<sup>149</sup> The news of the approaching legions increased the wavering of the Gallic states. The Treveri and Lingones were precisely the tribes which had stood aloof from Vindex; and the other Gauls were not willing now to acknowledge them as leaders. Co-operation might still have given the insurgents a chance of at any rate temporary success: but, while Civilis was occupied in the forests of the Belgae, the Gallic leaders behaved as if the victory was won, and neglected even to defend the passage of the Alps.<sup>150</sup> The first troops to arrive were XXI Rapax from Vindonissa, the *auxilia* of Noricum under Sextilius Felix, and an *ala* Singularium raised by Vitellius. By them, the Treveri were defeated near Bingen; and when Cerealis and others, collecting the few soldiers still garrisoning Mogontiacum, arrived at Augusta Treverorum, he found that the two Vitellian legions I and XII had already taken the oath to Vespasian.<sup>151</sup> Meanwhile Civilis and Classicus, the Gallic leader, concentrated their scattered forces; and, some-

<sup>148</sup> The MS. reading is *vimxjviiij*, which most editors give as XI and VIII; but clearly the numbers of three legions underlie the symbols; and the third can only be VII Claudia or XIII Gemina, since the other Flavian legions are otherwise accounted for.

<sup>149</sup> *Id.* iv. 68. The second Spanish legion is *pma* in the MS. This, by most editors, is given as Decima, no doubt owing to a mistaken inference from v. 19, where the Decima ex Hispania appears with Petilius. But *pma* clearly represents *prima*. The legion I Adjutrix has by many been supposed to have remained in Spain till the rising of Saturninus under Domitian; but Ritterling has shown (*West Deutscher Zeitschrift*, 1893, pp. 107-8) that some of its monuments in Germany date back respectively to 73 A.D. (Br. 1141), 74 A.D. (Br. 1288), 76 A.D. (Br. 1142), etc.; and this, together with the MS. reading *pma*, appears to be conclusive.

<sup>150</sup> *Id.* iv.

<sup>151</sup> *Id.* iv. 70.

what against the will of Civilis, who wished to wait for the trans-Rhenan tribes, determined to attack Cerealis at Trier before the legions, which were on the march, had arrived. Their army, consisting (in addition to the veteran Batavian cohorts) of Lingones, Ubii, Bructeri, and Tencteri,<sup>152</sup> came unexpectedly upon Cerealis. The Vitellian legions found themselves completely demoralized; and it was only by the valour of XXI Rapax that a threatened defeat was turned into a victory. Cerealis then marched into his own province to relieve the Agrippinenses. His army still consisted only of XXI Rapax, some remnants probably of the other Vitellian legions,<sup>153</sup> and probably some auxiliaries; and he was unable to prevent some minor successes on the part of the enemy. But by this time the legions were beginning to arrive; and, while I Adjutrix, VIII Augusta, XI Claudia, and VII Claudia, formed the upper army under Annius Gallus, the II Adjutrix and VI Victrix joined Cerealis, and XIV Gemina from Britain (after reducing the Nervii and Tungri) was also added. Civilis was now at Vetera; and it was near this camp that the decisive battle was fought. The contest was maintained for some time with varying success till two *alae* succeeded in attacking the enemy from the rear. Only the failure of the fleet to co-operate with the army, and a storm of rain at nightfall prevented the annihilation of the Batavian army. On the following day XIV Gemina was sent to the upper province,<sup>154</sup> from which in all probability VII Claudia had been hastily recalled to Moesia, where the legate Fonteius Agrippa was about this time defeated and killed.<sup>155</sup> The place of XIV Gemina was taken by X Gemina from Spain.<sup>156</sup> The war, however, was by no means finished: although Cerealis began to post his legions in their permanent

<sup>152</sup> Tac. *Hist.* iv. 77.

<sup>153</sup> *Id.* v. i6, "praevectus ad Germanicum exercitum."

<sup>154</sup> *Id.* v. 19.

<sup>155</sup> Josephus, *Bell. Jud.* vii., 4, ad. fin. See Ritt. *W.D.Z.*, 1893 p. 114.

<sup>156</sup> Tac. *Hist.* v. 19.



camps, II Adjutrix at Batavodurum, x Gemina at Arenacum,<sup>157</sup> and the other two legions at Novaesium and Bonna.<sup>158</sup> The two former camps, as well as his auxiliary camps at Grinnes and Vada, were simultaneously attacked; and it was not without difficulty that the enemy was beaten off. Then, as a last resource, Civilis attempted to get together a fleet, but soon desisted from what was a hopeless struggle. The insula Batavorum was ravaged by the victorious Romans; and Civilis determined to make overtures for peace. The final arrangements, as well as the campaign which Annius Gallus must have found necessary in the upper province,<sup>159</sup> were contained in the lost portion of the fifth book of the *Histories*.

At the beginning of the Flavian era, therefore, Germany was garrisoned by an entirely new set of legions. Of the old ones, the four, whose eagles had remained in Germany and had therefore been disgraced by taking the oath of allegiance to the Gallic empire, were cashiered. I Germanica never occurs again. IV Gallica was replaced by a new legion IV Flavia Firma: XVI Gallica, by XVI Flavia Felix. As to the fate of XV Primigenia, there is some uncertainty. There is no evidence of its existence after this date: but, if four legions were cashiered and only three new ones raised (II Adjutrix, IV Flavia Firma, XVI Flavia Felix), there would be a diminution in the number of the legions, which we hardly should have expected.<sup>160</sup> Of the remaining four whose eagles had accompanied the legions to Italy, I Italica and probably V Alauda were sent to Moesia; while XXI Rapax and, as we shall ultimately see, XXII Primigenia were returned to Germany, though at first to the lower instead of to the upper army.

By this time Vespasian was on his way to Rome from Egypt, where he had remained for some time. Titus was left to conduct the Jewish war, and in the

<sup>157</sup> Tac. *Hist.* v. 20.

<sup>158</sup> *Id.* v. 22.

<sup>159</sup> See Frontinus, *Strategemata* IV iii. 14.

<sup>160</sup> See note on p. 213.



spring of 70 A.D. the long-delayed siege was begun. In addition to the three legions which had served under Vespasian, Titus led up the XII Fulminata from Syria and some *vexillarii* from the two Egyptian legions.<sup>161</sup> With these the siege was pressed, ending after five months' obstinate resistance in the fall of the Jewish capital.

On the conclusion of the Jewish and German wars a re-arrangement of the forces was to a certain extent necessary. In the east Judaea could no longer be left without a regular legion, while the events which led to Corbulo's campaigns had shown the advisability of placing legionary rather than auxiliary forces in Cappadocia. Accordingly the X Fretensis was left in Jerusalem,<sup>162</sup> whilst the XII Fulminata was led by Titus to Melitene in Cappadocia on the Euphrates.<sup>163</sup> Syria was still garrisoned by four legions, the VI Ferrata sent back from Moesia, the III Gallica ordered away from Italy, as we have seen, by Mucianus, the IV Scythica and a newly organised legion called XVI Flavia Firma, which Vespasian formed out of the remnants of the XVI Gallica now disbanded on account of its behaviour in the German war.<sup>164</sup>

On the Danube frontier important reinforcements were needed. Both the Dacians and Sarmatae were becoming more and more threatening, while the Marcomanni were showing signs of restlessness on the Pannonian frontier. It was therefore decided to leave Dalmatia henceforth without a legionary force, but to place no less than seven legions along the Danube between Carnuntum and its mouth. Probably from this time Carnuntum, Vindobona, Brigetio, Viminacium, Singidunum, and Durostorum became legionary camps. To Moesia were sent back VII Claudia, after its short sojourn in Germany, the V Macedonica from Judaea,<sup>165</sup> and a new legion, IV Flavia Felix, which had been

<sup>161</sup> *Hist.* v. 1.

<sup>162</sup> Josephus, *Bell. Jud.* i. 2.

<sup>163</sup> Josephus, *ib.* vii. i. 3.

<sup>164</sup> Dio Cass. lv. 24.

<sup>165</sup> Conf. Orelli, 3453, where a centurion of that legion is rewarded by Vespasian.

created in place of IV Macedonica also disbanded.<sup>166</sup> We have seen already that the I Italica had been sent hither by Mucianus. To Pannonia two of its old legions were restored, XIII Gemina, which was probably moved from its old headquarters Poetovio to Vindobona on the frontier,<sup>167</sup> and the XV Apollinaris, which for the last seven years had been in the east, was stationed at Carnuntum,<sup>168</sup> while in all probability the V Alauda, which had marched almost entire into Italy,<sup>169</sup> was also sent to this province.<sup>170</sup>

From Spain the VI Victrix and I Adjutrix had been sent against Civilis, while, as we have seen, X Gemina was likewise sent somewhat later to Lower Germany, and their place was now filled by the VII Gemina, of which traces are found in the province from this time onward, especially at Leon its headquarters. Britain had sent the XIV Gemina into Germany at the same time, but the province was not yet completely conquered, and four legions were still necessary. Accordingly the II Adjutrix, probably on the occasion of Petilius Cerealis being transferred to Britain, was sent over from Lower Germany to that province; and as numerous inscriptions prove, was posted together with XX Valeria Victrix at Deva (Chester): whilst the IX Hispana was moved on to Eboracum. For Lower Germany, whilst the I Germanica was disbanded, three legions were considered enough after the reduction of the Batavi (unless we follow the view that XV Primigenia was not disbanded but still remained in the province<sup>171</sup>), the VI Victrix being stationed at Novaesium, the X Gemina at Noviomagus,<sup>172</sup> and the XXI Rapax at Bonna: but at some date prior to 89 A.D., when we shall certainly find it in the province, XXII Primigenia was transferred probably from one of the Danube pro-

<sup>166</sup> Dio Cass. lv. 24.

<sup>167</sup> *C.I.L.* iii. 580.

<sup>168</sup> *C.I.L.* iii. 482.

<sup>169</sup> Tac. *Hist.* i. 61.

<sup>170</sup> This is quite uncertain. It was probably the legion destroyed by the Sarmatae under Domitian, Suet. *Dom.* 6, which was almost certainly a Pannonian legion.

<sup>171</sup> See note on p. 213.

<sup>172</sup> Orelli, 3551, 2008, 2098.

vinces to the Lower German province.<sup>172a</sup> In Upper Germany the Chatti were always a source of danger, while the Marcomanni or Suevi might if necessary be attacked from this quarter.<sup>173</sup> The four legions in this province were XIV Gemina and I Adjutrix at Mogontiacum, the XI Claudia at Vindonissa, and the VIII Augusta perhaps at Argentoratum.<sup>174</sup> For the present, therefore, there were four legions in Britain, eight along the Rhine, seven on the Danube, and six in the east, while Spain and Egypt had two legions each, and Africa one.

*Lower Germany*: VI Victrix, X Gemina, (XV Primigenia,<sup>175</sup>)  
XXII Primigenia, XXI Rapax.

*Upper Germany*: XIV Gemina, XI Claudia, VIII Augusta, I Adjutrix.

*Britain*: II Augusta, XX Valeria Victrix, IX Hispana, II Adjutrix.

*Pannonia*: XIII Gemina, V Alauda, XV Apollinaris.

*Moesia*: VII Claudia, IV Flavia Felix, I Italica, V Macedonica.

*Spain*: VII Gemina.

*Syria*: VI Ferrata, IV Scythica, XVI Flavia Firma, III Gallica.

*Judaea*: X Fretensis. *Cappadocia*: XII Fulminata.

*Egypt*: XXII Deiotariana, III Cyrenaica. *Africa*: III Augusta.

<sup>172a</sup> Ritterling, *De Legione X Gemina*, p. 68.

<sup>173</sup> Tac. *Hist.* v. 19. <sup>174</sup> It was here in Ptolemy's time.

<sup>175</sup> Mommsen (*Röm. Gesch.* v. 130) assumes that XV Primigenia and V Alauda were disbanded after the affair of Civilis. There are several reasons against this view. (1) This would have reduced the number of legions to 28, and the frontier relations of the empire, after so much recent danger and confusion, were such as certainly did not admit of a diminished army; (2) in the case, at any rate, of the V the main portion of the legion did not share in the disgrace, as it was in Italy (*Hist.* i. 61), and we know that the two legions in Vetera only amounted to 5,000 men, while these bravely held out until the desertion of the other legions left them no hope; (3) one legion was certainly destroyed by the Sarmatæ in Domitian's reign (Suet. *Dom.* 10), but none of the other legions can be shown to have disappeared at that time; (4) the two new legions of Trajan, XXX and II placed in Lower Germany and Egypt, make the supposition of Marquardt (*Staatsverw.* ii. 450) and Grotefend (in Pauly, *Real-Encyclop.* p. 896) very probable that Trajan amalgamated once more the two double legions XXII and XV which were also in those two provinces. There is, however, no evidence for the existence of XV Primigenia after the affair of Civilis.

An important change which accompanied this Flavian redistribution of the legions was the virtual exclusion henceforth of Italians from legionary service. Their pride of birth and feeling of superiority seem to have been the causes of frequent acts of insubordination and excess, and the lamentable fiasco of the Batavian war made a reform of some kind inevitable. An incidental result of this was the necessity to recruit the African army henceforth from the east instead of from the west, as the exclusion of Italy threw a heavier burden on the other western provinces.

These arrangements seem to have preserved peace on the frontier during Vespasian's reign. Under Domitian was commenced a fresh policy in Upper Germany, afterwards pursued and completed by Trajan. Instead of keeping to the Rhine as the frontier, the Neckar valley and the region called Decumates Agri were gradually taken into the empire. This tendency to push forward the Roman frontier across the Rhine in Upper Germany was certainly developed by Domitian, whose war with the Chatti, undertaken in 83 A.D.,<sup>176</sup> was, there is no doubt, infinitely more important than the *ex parte* statements of Tacitus<sup>177</sup> would lead one to suppose. The war was an aggressive one;<sup>178</sup> and necessitated an increase in the Upper German army. Legion XXI Rapax was almost certainly sent for from the lower army :<sup>179</sup> while a *vexillatio* of IX Hispana

<sup>176</sup> Its date is fixed (1) by the title of Germanicus which first occurs in 84 A.D. (*Eck.* vi., 378, 397), (2) by the fact that in this year the Uzipii, not before within the empire, were enrolled as auxiliaries (*Agric.* 28), and (3) the triumph was before recall of Agricola (*Agric.* 39). Compare also coins with *Germania capta* dating from 84 and 85 (*Eck.* vi. 380, Cohen, 139, 351, 483, 488, 503).

<sup>177</sup> *Agric.* 39, *Germ.* 37. See also *D.C.* 67, 4.

<sup>178</sup> *Suet. Dom.* 6.

<sup>179</sup> That XXI Rapax formed part of the upper army shortly after this time appears from the inscriptions of Mirebeau : that it was at Freiburg in about 83 or 84 is made very probable by Bergh's explanation of *Br.* 1416, identifying the Sosius Senecio of the inscription with Pliny's friend who was consul in 99 A.D.,

took part in *expeditione Germanica*; <sup>180</sup> and the fact that this legion is specially mentioned by Tacitus as being weakened at this time <sup>181</sup> makes it probable that this was the expedition alluded to. That the war was followed by some extension of the empire, and with new frontier arrangements, appears not only from expressions in contemporary poets, <sup>182</sup> but from statements (unfortunately not always unambiguous) of Frontinus, who probably himself took part in the war. <sup>183</sup> The first of these statements merely says generally that Domitian "*contusa immanium ferocia nationum, provinciis consulit.*" The second passage is more important: "*Limitibus per centum viginta millia passuum actis, non mutavit tantum statum belli, sed subjecit ditioni suae hostes, quorum refugia nudaverat.*" The third statement is, "*Imperator Caesar Augustus Germanicus, eo bello, quo victis hostibus cognomen Germanici meruit, quum in finibus Ubiorum*" (the name is no doubt corrupt) "*castella poneret, pro fructibus locorum, quae vallo comprehendebat, pretium solui jussit,*" etc. There can be no doubt then that these passages all refer to the war against the Chatti, and that therefore the *limites* and the *castella* had direct reference to that war.

From 83 A.D., as we have seen, the lower army was composed of three legions, VI, X, and XXII: while the upper army had five, I, VIII, XI, XIV, XXI; and it is no doubt to this period that the tegulae are to be referred, found at Mirebeau near Dijon, and containing the names of these five legions. <sup>184</sup> Another tegula found in the same place contains the names only of VIII, XI, XIV, XXI: from which Ritterling has inferred with some

and whose military tribuneship would therefore naturally fall about fifteen years earlier.

<sup>180</sup> Orelli, 3569.

<sup>181</sup> Agric, 26.

<sup>182</sup> cf. Mart. ix. ii. 3: ix. vii. 1. Stat. Silv. I. i. 51: V. ii,

133.

<sup>183</sup> Frontin. Strateg. I. i. 8: I. iii. 10: II. xj. 7.

<sup>184</sup> See Hermes xix. 437, where Mommsen refers them to the year 70 A.D., when Cerealis was assembling his army: but cf. Ritterling, W.D.Z. 1893, p. 116.



plausibility that, at some time between 83 and 89 (when the rising of Saturninus caused further changes), 1 Adjutrix was removed from Germany.<sup>185</sup> It is quite probable that this was the case. In 87 A.D., Cornelius Fuscus was defeated and killed by the Dacians;<sup>186</sup> and the eagle of a legion was lost.<sup>187</sup> It was almost certainly at this time that Domitian created a new legion, 1 Minervia,<sup>188</sup> which, however, he sent, not to the Danube, where veteran legions were required, but to make up the legions in Lower Germany:<sup>189</sup> while 1 Adjutrix may have been sent to reinforce the army of the Danube.<sup>190</sup> At any rate toward the end of 88 A.D., an event happened which caused important changes in the German armies.

The legate of the upper province was L. Antonius Saturninus, who (taking advantage of the fact that his legions were discontented and disgusted with the building operations on the limes) caused himself to be proclaimed emperor by the two legions at Mogontiacum.<sup>191</sup> The two legions were XIV Gemina and XXI Rapax.<sup>192</sup> Few details of the rising are known from historians. Great alarm was felt in Rome.<sup>193</sup> Domitian himself started for the seat of war,<sup>194</sup> probably with some praetorian

<sup>185</sup> His argument depends mainly on the supposition that when detachments were sent as vexillationes from more than one legion in a province, each legion contributed a share (see *loc. cit.* p. 117, notes 38 and 39).

<sup>186</sup> Juv. iv., 112, Suet. *Dom.* 6.

<sup>187</sup> *D.C.* lxviii. 9. The legion destroyed on this occasion was probably v Alauda.

<sup>188</sup> *D.C.* liv, 23.

<sup>189</sup> It was certainly there in 89. See below.

<sup>190</sup> Ritt. *De Leg. X. Gem.* p. 72 argues, from an inscription published in *B.J.* 77, p. 70, that 1 Minervia was created not later than 33 A.D. Schilling, however, proves the insufficiency of his argument; and shows that new legions were as a rule created to supply the loss of old ones.

<sup>191</sup> Suet. *Dom.* 7. "L. Antonius apud duarum legionum hiberna res novas molienti."

<sup>192</sup> For inscriptions relating to XXI Rapax at Mainz, see *Br.* 1057, 1206-7.

<sup>193</sup> Plut. *Vit. Aemil. Paul.* 25.

<sup>194</sup> Frontin. *Strateg.* I. i. 3.



cohorts ; but almost immediately received intelligence that the rebellion was put down.<sup>195</sup> Saturninus had entered into communication with some Germans across the Rhine, probably the Chatti ; and only the sudden melting of the ice prevented them from crossing the river and joining him.<sup>196</sup> Meanwhile Appius Maximus Norbanus, the legate of some neighbouring province, had arrived on the scene ; and Saturninus in the battle which followed was defeated and killed.<sup>197</sup> Very different views have been held, both as to the legions which joined Saturninus, and as to the province from which Appius Norbanus marched against him. That the two legions at Mainz joined him seems clear from the words of Suetonius ;<sup>198</sup> but this alone would not account for the panic at Rome, or for the hasty departure of Domitian. There were two other legions in the province, at Argentoratum and Vindonissa ; and, if these had remained faithful (to say nothing of the Lower German army and the Pannonian legions, which could easily have stopped his march in Italy), there could have been no occasion for panic. Besides, on occasions like this, the legions of a province usually made common cause : all wanted a share in the prestige of making an emperor ; and all too had the same cause for disaffection. Whether legions VIII and XI had actually time to join his standard may perhaps be doubtful ; but that they were considered, both by Saturninus and Domitian, a part of the rebel army must certainly be assumed. From whence did Appius Norbanus march ? There can only be two alternatives—from Pannonia or from Lower Germany.<sup>199</sup> Momm-

<sup>195</sup> The date is fixed by the *Acta Frat. Arv.* Henz. p. cxxi-ii, which show that Domitian started from Rome on January<sup>2</sup> 17, 89, A.D., and that the victory was celebrated on the 24th or 25th.

<sup>196</sup> Suet. *Dom.* 6.

<sup>197</sup> That Appius Maximus Norbanus put down the rising is proved by *D.C.* lxxvii, 11 : *Aur. Vict.* 11 : *Mart.* ix. 84 : and by *C.I.L.* vi., 1347 where Appius Maximus Norbanus is called 'Confector belli Germanici.'

<sup>198</sup> Suet. *Dom.* 6.

<sup>199</sup> *Bergk*, depending on *Mart.* ix. 84, thinks he was procurator

sen,<sup>200</sup> followed by Lieb,<sup>201</sup> considers that the reference in Martial<sup>202</sup> is conclusive in favour of Pannonia.<sup>203</sup> It must be admitted that, in the absence of positive and negative arguments against it, the passage (though still not easy to explain) is somewhat in favour of this view. But it must nevertheless be given up. The argument from Martial depends on the supposition that Norbanus marched through Noricum and Raetia, and that the battle took place somewhere near Vindonissa. But in this case he would have had to march more than twice as far as Saturninus: while some days would have elapsed before the news of the rising could have reached him, after which he would have had to collect his legions. It is hardly conceivable that, if Saturninus was marching on Italy at all, he could not have crossed the Alps before the arrival of Norbanus at Vindonissa. The natural plan for Norbanus would be to march to North Italy to intercept the rebel army, as the Pannonian legions did in 69 A.D.; but then this passage from Martial has no bearing on the subject. Again, there would have been no more than three legions in Pannonia at the time; and, considering the unsettled state of the Danube frontier and that the Dacian War was barely over, we can hardly believe that the whole Pannonian force would be employed elsewhere; and, even if we add the Raetian auxiliaries, this army would not be a match for the united forces of Upper Germany: while to suppose that two of the German legions joined him is an assumption without evidence, and in itself unlikely. In the next place, the German allies of Saturninus were already only separated from

of Raetia, an officer not belonging to the senatorial *cursus honorum* at all: *Asbach*, that he was legate of Lugdunum: *Schiller*, of Aquitania, both *inermes provinciae*.

<sup>200</sup> *Röm. Gesch.* v. p. 137. <sup>201</sup> *Die Legaten* p. 213.

<sup>202</sup> ix. 84. 'Cum tua sacrilegos contra, Norbane, furores staret pro domino Caesare sancta fides, haec ego Pieria ludebam tutus in umbra, ille tuae cultor notus amicitiae. Me tibi Vindelici raptum narrabat in oris, nescia nec nostrae nominis Arctos erat.'

<sup>203</sup> See also Domazewski in *W. D. Kor.* ii. 73.

him by the river, at the time when the battle was fought; <sup>204</sup> but it is scarcely conceivable that the Chatti who, till the thaw came, might have joined Saturninus anywhere between Mogontiacum and Vindonissa, would have marched all the way from their own home on the right bank of the river—it is scarcely conceivable, indeed, that they would have joined him in a march southward at all. Finally, it is impossible to leave out of account the army of Lower Germany. If that had joined Saturninus, Norbanus with the Pannonian army would certainly have been unable to put down the rising as promptly as it was put down. And if, on the other hand, it was against him, Saturninus by every rule of prudence and strategy must have been prevented from marching towards Italy, until he had won over or conquered the lower army.

Fortunately we are not without evidence on this point. The Lower German legions at this time were I Minervia, VI Valeria Victrix, X Gemina, XXII Primi-<sup>205</sup>genia; and, with regard to all of them, Ritterling <sup>205</sup> has pointed out that in certain inscriptions they are described with the letters P.F.D. after them. Thus we have I Minervia P.F.D., <sup>206</sup> VI Valeria Victrix P.D., <sup>207</sup> X Gemina P.F.D., <sup>208</sup> XXII Primigenia P.F.D. <sup>209</sup> Now in no inscriptions earlier than Domitian's reign are any of these legions styled P.F.: while in inscriptions and tegulae of Trajan's reign the letters are assigned to all of them. <sup>210</sup> There are only three other legions which are styled *pia fidelis* before Trajan's reign, VII Claudia P.F., XI Claudia, P.F., II Adjutrix, P.F.; and, of these, the two former received the title owing to their fidelity towards Claudius in the rising of Camillus Scribonianus in Dalmatia: <sup>211</sup> while no other legions except these

<sup>204</sup> Suet. *Dom.* 6. "Cum ipsa dimicationis hora resolutus repente Rhenus transituras ad Antonium copias barbarorum inhibuisset."

<sup>205</sup> *De Leg. X Gem.*, pp. 11 and seq.: *W. D.Z.K.* 1893, pp. 203 and seq.

<sup>206</sup> *Bonner Jahrbuch* 57 p. 70. <sup>207</sup> *Brambach* 982. <sup>208</sup> *Br.* 651.

<sup>209</sup> *Br.* 673. <sup>210</sup> Ritt. *De Leg. X Gem.* pp. 120-1. <sup>211</sup> *D.C.* lx. 15.

four are styled P.F.D. That D. stands for Domitiana is both probable in itself, and receives some support from the analogy of legions VII and XI which have the letters C.P.F. after them, and from that of VIII Augusta which is styled <sup>212</sup> Pia Fidelis Constans Commoda. It seems, therefore, in the highest degree probable that these four legions received the honorary title Pia Fidelis Domitiana for some important service rendered in Domitian's reign; and the analogy of the grant to legions VII and XI, as well as the fact that there was no war in Lower Germany at the time, seem to point unmistakably to Saturninus. <sup>213</sup> But not only were these four legions styled P.F.D. In *Br.* 684, we have Classis Germanica, <sup>214</sup> P.F.D. <sup>215</sup> In *Br.* 678, we also have coh. II Arturum, P.F.D. <sup>216</sup> And in *Br.* 676 we have coh. II C.R.P.F.D. <sup>217</sup> While finally two alae, the ala Indiana and the ala I Singularium, and at least two other cohorts, I C.R. and coh. V Nucensium certainly belonging to the lower army in Flavian times are styled P.F. <sup>218</sup> When it is remembered that, out of all the other auxiliary forces of the empire, only one ala and five cohorts are styled P.F., the fact that at least two alae and four cohorts in Lower Germany are so styled, together with the legions and the fleet, seems to make it almost certain that it was the lower army which defeated

<sup>212</sup> Wilm. 1459.

<sup>213</sup> The fact that D. is not found in connexion with the legions in later times is of course due to the *damnatio memoriae* passed on Domitian by the senate. If Ritterling's view is correct, all the inscriptions which have this letter date between 89 and 96 A.D. It appears from an inscription, as Mommsen points out in *W.D.Z. Kor.* 5. 171, that on March 23, 86 A.D. leg. XXII was not called P.F.

<sup>214</sup> The fleet, it is well known, belonged to Lower Germany.

<sup>215</sup> See also *B.J.* 71, p. 107-9, and 78, p. 137.

<sup>216</sup> That this belonged to Lower Germany is proved by *Br.* 666, *C.I.L.* ii. 702, and *W. D.Z.K.* iv. 222.

<sup>217</sup> For this part of the lower army see *C.I.L.* ix. 2958, and *B.J.* 77, p. 19.

<sup>218</sup> Ritt. adds: Ala II Flavia mil., coh. III Delmatarum, and coh. II Hispanorum; but their attribution to the lower army is only conjectural.

Saturninus, and that Appius Maximus Norbanus was its legate.

In all probability a second war with the Chatti was the necessary completion of these events.<sup>219</sup> Norbanus most likely succeeded Saturninus as legate of the upper army; <sup>220</sup> and it is probable that the two legions at Mainz which commenced the revolt, XIV and XXI, were removed from the province and sent to Pannonia.<sup>221</sup> But XXII Primigenia seems to have been sent for to Mogontiacum for the lower army.<sup>222</sup> It was in Upper Germany before Domitian's death; <sup>223</sup> and is proved to have been there in 97 A.D. by a comparison of Hadrian's *cursus honorum* <sup>224</sup> with Spartian, *Hadr.* 2, 5: while the upper army was also strengthened for the time by VII Gemina, which Trajan hastily brought up from Spain.<sup>225</sup>

For the last six years of Domitian, the Danube was the scene of the greatest dangers; and the German provinces were probably left with three legions each: I Minervia, VI Valeria Victrix, X Gemina, in the lower,

<sup>219</sup> Thus Suet. *Dom.* 6 says "De Catthis Dacisque . . . duplicem triumphum egit;" and the interval between the war of 83 A.D. and the Dacian war was too great for the triumphs to have been celebrated together.

<sup>220</sup> This is how Mommsen explains the tegulae found at Mirebeau-sur-Bèze in the territory of the Lingones marked *leg. viii Aug. L. Appio leg.* (Hermes 19 p. 438).

<sup>221</sup> XIV Gemina was certainly in Pannonia before the end of the first century (*W.D.Z. Kor.* 1891, 88). It is perhaps in favour of the supposition, that XIV Gemina was removed as early as this from the province, that it has left no traces on the limes, Freiburg being the farthest point eastward where its tegulae are found. With regard to XXI Rapax, that probably was the legion destroyed by the Sarmatae in 92 A.D. (Suet. *Dom.* 6).

<sup>222</sup> *Br.* 1626 from Alpirsbach, where it is styled P.F.D. See also a tegula *Br.* 1377 g. 31.

<sup>223</sup> *C.I.L.* iii., 550.

<sup>224</sup> Wilms 937.

<sup>225</sup> Pliny, *Paneg.* 14, speaks of *legiones*: but, if the view taken above as to I Adjutrix is correct, there could have been only one legion in Spain after 70 A.D. Traces of the presence of VII Gemina are found in *Br.* 896, 1512, and *Henz.* 6701, though it is not certain that they belong to this period.



and xxii Primigenia, viii Augusta, xi Claudia, in the upper province.<sup>226</sup>

To Britain Julius Agricola had been sent as legate in 78 A.D., and he at once and energetically pushed on the conquest of the northern part. After the subjugation of the Silures, the camp at Viroconium, where the xiv legion had been placed, was probably given up, though Isca Silurum and Deva were still garrisoned, the former by the ii Augusta and xx, the latter by Valeria Victrix and ii Adjutrix, and the ix Hispana was at Eboracum. In 84 Agricola, after conquering up to the Firths of Forth and Clyde, was recalled, though the same considerations which had made the conquest of Britain advisable might have been urged for bringing both Ireland and the north of Scotland within the empire. Domitian, however, whether from caution or jealousy, decided against further conquest, and, either at this time or shortly after, the defensive policy in Britain which Agricola's recall implied was marked by the withdrawal of one of the four legions, the ii Adjutrix, which was transferred to Pannonia. Here a war broke out about this time against the Suevi or Marcomanni, who, forming an alliance with the Iazyges, a Sarmatian tribe, invaded Pannonia. Our only knowledge of this war is derived from two inscriptions,<sup>227</sup> which mention distinctions gained *in bello Suevico et Sarmatico* by the ii Adjutrix and xiii Gemina under Domitian; and one sentence in Suetonius,<sup>228</sup> which mentions the destruction of one legion. This we have already seen ground for believing was the v Alauda. To strengthen the frontier in this part Domitian, therefore, probably moved the i Adjutrix from Upper Germany to Brigetio in Pannonia. In 86 a more important war was begun. Decebalus, the new king of the Dacian tribes, crossed the Danube into Moesia and defeated and slew Oppius Sabinus the

<sup>226</sup> From 89 A.D. no *hiberna* were allowed to contain more than a single legion. Suet. *Dom.* 7, "Geminari legionum castra prohibuit."

<sup>227</sup> Henzen, 6766 and 6912.

<sup>228</sup> *Domit.* 6; Tac. *Agric.* i. 41.



legate. Domitian hastily collected an army, which Cornelius Fuscus, prefect of the praetorians, commanded, but they shared a similar fate. Then Tertius Julianus assumed the command, drove the Dacians across the Danube, and defeated them at Tapae. In this victory the v Macedonica was probably engaged.<sup>229</sup> The results of this victory were greatly modified by a defeat which Domitian himself met with from the Marcomanni and Quadi in Pannonia. However, a peace was made, and while Decebalus became nominally a vassal of Rome, Rome became with greater reality tributary to the Dacian.<sup>230</sup> There were, therefore, at the end of Domitian's reign four legions in Moesia, i Italica, vii Claudia, iv Flavia Felix, v Macedonica, and four in Pannonia, xiii Gemina, i Adjutrix, xiv Gemina Martia Victrix, and ii Adjutrix, while there were three in Upper Germany, the xi Claudia, the viii Augusta, and the xxii Primigenia, and three in Lower Germany, the x Gemina, the vi Victrix, and the i Minervia: (or four if we allow the disputed existence of xv Primigenia. Towards the close of Domitian's reign Moesia was divided into an upper and a lower province,<sup>231</sup> probably for the sake of keeping a more effective check on the Dacians through two independent commanders. During Nerva's short reign the Suevi and Sarmatae seem to have repeated their invasion of Pannonia. We learn from an inscription<sup>232</sup> that the i Adjutrix distinguished itself, and it was a victory from this quarter which Nerva was celebrating when he adopted Trajan.<sup>233</sup>

Under Trajan important frontier changes took place, and for the first time the traditional policy of Augustus was essentially modified. When Nerva's death left him sole emperor, he was governor of Upper Germany, engaged in carrying out the new frontier policy there

<sup>229</sup> Henzen, 6490. A certain J. Brocchus, tribune of the v Macedonica, is rewarded for services in the Dacian war, the emperor's name being omitted, which would seem to point to Domitian.

<sup>230</sup> Pliny, *Paneg.* 12.

<sup>231</sup> Henzen, 5431. <sup>232</sup> Henzen, 5439. <sup>233</sup> Pliny, *Paneg.* 8.

begun by Domitian. Taking in the Neckar valley, he completed a military road from Mogontiacum, through Heidelberg, to Baden, in the direction of Offenburg,<sup>234</sup> to assist communications with the Danube provinces; at the same time proceeding with the German *limes* which ran through Freiberg, Wörth, and Miltenberg to Lorch, where it joined the Rhaetian *limes*. To this fresh frontier line it is true that no legions were pushed forward. The castles were probably garrisoned by small detachments only, but the frontier line of Upper Germany was considerably shortened by the change, and from this time it was possible to decrease the number of legions on the Rhine. In particular Vindonissa was quite placed inside the line of defence, and probably the XI Claudia, hitherto posted here, was at once transferred to the newly created province of Lower Moesia, thus leaving Upper Germany with two legions, of which one at least as late as Ptolemy's time was at Argentoratum.

Leaving Germany thus thoroughly secured, Trajan had a most important work to do on the Danube. The disgraceful state of things in which Domitian had left the fortunes of the empire here had at once to be retrieved. The details of the two Dacian wars of Trajan are obscure, though no doubt much may be reconstructed from inscriptions, and above all from the column of Trajan at Rome. Into this, however, it is beyond our plan to enter here. At this time Trajan would have no less than ten legions along the Danube. The I Adjutrix was at Brigetio, the I Minervia (probably now removed from Lower Germany) at Vindobona with the XIII Gemina, and the II Adjutrix at Acumincum; the VII Claudia at Viminacium,<sup>235</sup> the IV Clavia Felix at Singidunum, the I Italica at Durostorum, the XI Claudia perhaps at Novae, the V Macedonica (perhaps not till the end of the war) at Troesmis, and XIV Gemina at Carnuntum. Of these ten legions probably all served in one or other of the wars which followed. In the

<sup>234</sup> Mommsen, *Röm. Gesch.* vol. v. 139.

<sup>235</sup> *C.I.L.* iii. p. 264.

first war certainly two armies marched into Dacia, one from Pannonia under Q. Glitius Agricola, and one from Moesia under M. Laberius Maximus. Only five legions, however, are actually known from inscriptions to have taken part in the wars, I Italica,<sup>236</sup> VII Claudia,<sup>237</sup> XIII Gemina,<sup>238</sup> I Minervia,<sup>239</sup> V Macedonica,<sup>240</sup> and IV Flavia Felix.<sup>241</sup>

As the result of the war Dacia was made into a province, and the XIII Gemina was removed from Pannonia and posted first perhaps at Sarmizegethusa, but afterwards at Apulum in the north. At the same time the great camps in Lower Moesia, especially Troesmis, were now, if not before, completely established, while Pannonia was like Moesia divided into an upper and lower province.<sup>242</sup> To supply the place of the XIII Gemina, Trajan transferred the X Gemina from Lower Germany to Vindobona, and, possibly sending back I Minervia supplied with it the place of the X Gemina in Lower Germany.<sup>243</sup> The XV Apollinaris which had hitherto been at Carnuntum was probably now moved to Cappadocia to strengthen the eastern frontier.<sup>244</sup> After the Dacian wars, therefore, the legions were as follows :—

*Lower Germany* : I Minervia, (XV Primigenia,) VI Victrix.

*Upper Germany* : VIII Augusta, XXII Primigenia.

*Britain* : II Augusta, XX Valeria Victrix, IX Hispana.

*Upper Pannonia* : XIV Gemina, X Gemina, I Adjutrix.

*Lower Pannonia* : II Adjutrix.

*Upper Moesia* : VII Claudia, IV Flavia Felix.

*Lower Moesia* : I Italica, V Macedonica, XI Claudia.

*Dacia* : XIII Gemina.

<sup>236</sup> Henzen, 5659. Or. 3454.

<sup>237</sup> Or. 3049 : Henz. 6853.

<sup>238</sup> Henz. 6853.

<sup>239</sup> Henz. 5448, 5930, Or. 3454.

<sup>240</sup> Henz. 5451.

<sup>241</sup> Or. 3049 ; this inscription, however, does not make it quite plain whether the legion served in this war or not : but see Dierauer, *Gesch. Trajans*, p. 77.

<sup>242</sup> Spart., *Hadr.* 3., proves that in 107 Hadrian was legate of Lower Pannonia. The lower province was of much less importance, and only had one legion.

<sup>243</sup> This was certainly in Lower Germany at the beginning of Trajan's reign. Brambach, *C. I. Rh.* 660, 882.

<sup>244</sup> *C.I.L.* iii. p. 583.

*Spain* : VII Gemina.      *Africa* : III Augusta.

*Egypt* : III Cyrenaica, XXII Deiotariana.

*Cappadocia* : XII Fulminata, XV Apollinaris.

*Syria* : IV Scythica, III Gallica, VI Ferrata, XVI Flavia Firma.

*Judaea* : X Fretensis.

Before the Dacian wars were over another province was added to the empire. On the death of Agrippa II, the last tetrarch of the Idumaeandynasty, his territory was added to Syria, and this brought the empire into direct relations with the turbulent and plundering Arab tribes beyond, whom the Idumaeen kings had hitherto had to keep off. It now seemed advisable to annex this region, a task which Cornelius Palma, legate of Syria, accomplished in 104. The country was made into a province under the title of Arabia, and the III Cyrenaica was removed from Egypt and posted henceforth at Bostra.<sup>245</sup>

Perhaps at this time a new legion was created for Egypt, the II Trajana, while at some time previous to 107 A.D. Trajan seems to have abolished the two duplicate legions XXII Deiotariana and perhaps XV Primigenia, creating in the place of the latter another new legion, the XXX Ulpia Victrix, which was posted at Colonia Trajana a little below the old camp of Vetera. This left the number of legions twenty-nine, though at the time when the XXX was formed the XXII was probably not yet disbanded; and so the number thirty was completed by its creation.

If Trajan's policy of advance on the Danube was justified by the attitude of the barbarian tribes, his aggression on the Parthian frontier was open to much greater objections, and was far more mixed with motives of personal ambition. Of the details of the Parthian war we are imperfectly informed. Armenia was again the cause of the war, and Trajan determined at last definitely to reduce Armenia to the form of a province.

<sup>245</sup> More accurately Arabia was administered by the legate of Syria until Trajan's Parthian war, when the province was definitely organised. Cohen, ii. 226.

Starting from Antioch he marched to the Euphrates, and without difficulty occupied Armenia, and in later campaigns, in order to make the frontier scientific, and to bar the way to Armenia against the Parthian armies, he made two other provinces beyond, which he called Mesopotamia and Assyria. To carry out these successes Trajan, as we have seen, had nine legions in the east, but of these, as Fronto tells us, the Syrian legions were again as demoralised and inefficient as Corbulo had found them in Nero's reign, and accordingly Trajan summoned *vexillarii* from the Pannonian legions to help him. Of the oriental legions probably most were engaged in the war, though we only have epigraphical evidence of the part taken by X Fretensis,<sup>246</sup> XVI Flavia Firma,<sup>247</sup> VI Ferrata,<sup>248</sup> and III Cyrenaica.<sup>249</sup> Whatever new arrangements of the legionary forces those fresh conquests would have involved, the need for making them was obviated by the death of Trajan, and the relinquishment of the newly created provinces by Hadrian.

Under Hadrian the legions were mostly kept in the positions which they occupied at the close of Trajan's reign. For this, indeed, there was an additional reason in the fact that from this time the legions were, as a rule, recruited from the provinces in which they were stationed, an arrangement which would manifestly render undesirable any but the most necessary changes of station. Economy and greater facility in recruiting were no doubt partly the causes of this change, but there was also the desire to have all recruiting carried out in the imperial provinces, since senatorial provinces, being garrisoned by no legions, were henceforth excluded. Mommsen has shown with great force that the change gradually led to a primacy of the Illyrian nation, since from this time the premier place in the Roman armies was held by the legions posted along the Danube. The reign of Hadrian was, with few exceptions, a peaceful

<sup>246</sup> De la Berge, *Essai sur le règne de Trajan*, p. xlvii.

<sup>247</sup> Henzen, 6749.

<sup>248</sup> Henzen, 5456.

<sup>249</sup> Orelli, 832.



one. The emperor adopted on the frontier the policy, advantageous at first as long as it was backed by an efficient army, but terribly liable to degenerate, of subsidising the barbarian tribes, and so partially handing over to them the protection of the frontiers. By this means the Roxolani were prevented from overrunning Dacia and Moesia, while the tribes of the Caucasus were many of them united by a similar bond to Rome. Besides this a more systematic fortification of exposed points of the frontier was a feature of Hadrian's reign, nowhere so well exemplified as in the wall and vallum between Carlisle and Newcastle. These precautions did not entirely prevent troubles with the barbarians. The Alani, encouraged possibly by the king of the Iberi, after overrunning Media and Armenia, threatened to invade Cappadocia, and made it necessary to mobilise the two legions, XII Fulminata and XV Apollinaris, stationed in that province.<sup>250</sup> In Britain too trouble was experienced. At the beginning of the reign we learn from Spartian<sup>251</sup> that there was disaffection, and later the Brigantes seem to have risen, and in all probability to have surprised the camp of the IX Hispana at Eboracum and annihilated the legion.<sup>252</sup> It at any rate disappears about this time, and its place was taken by the VI Victrix from Lower Germany, which from later inscriptions we know to have been placed at Eboracum, while an inscription informs us that *vexillarii* of the German legions were obliged to take part in a British expedition during this reign.<sup>253</sup>

A more serious rising took place among the Jews. There had been smouldering disaffection here since the conquest by Titus, and Hadrian determined to

<sup>250</sup> The account of this mobilisation is given in Arrian's "Ἐκταξίς κατ' Ἀλανῶν. See Mommsen, *Röm. Gesch.* v. 405, and Pelham, *Arrian as Legate of Cappadocia*, p. 10.

<sup>251</sup> Spart, *Hadrian*, 5.

<sup>252</sup> Fronto, p. 217. Faber: *Hadriano imperium obtinente quantum militum a Britannis caesum*, quoted by Mommsen, *loc. cit.* 171. Conf. also Juvenal, xiv. 196.

<sup>253</sup> Henzen, 5456.



turn Jerusalem into a Roman colony with the name of *Ælia Capitolina*. He at the same time moved another legion, *vi Ferrata*, into the province. This provoked another desperate rising. What was probably on Hadrian's part a measure of precaution, was interpreted by the Jews as an attempt to extirpate their religion. In the course of the campaign 900 villages and 51 fortresses are said to have been destroyed, and 180,000 men to have perished. Probably all the three Syrian and the two Judæan legions were engaged, though the only detail we get from inscriptions is that a veteran of the *iii Gallica* distinguished himself, and that the legate of the *iv Scythica* temporarily took charge of Syria while the governor was commanding against the rebels.<sup>254</sup> Either at this time or a little later the *iii Gallica* was transferred to Trachonitis,<sup>255</sup> on the border of Arabia, but still within the province of Syria. This was the position of the legions then at the date of the inscription found on a column at Rome belonging to some period between 120 and 170 A.D.<sup>256</sup>

*Britain*: *ii Augusta*, *vi Victrix*, *xx Valeria Victrix*.

*Lower Germany*: *i Minervia*, *xxx Ulpia*.

*Upper Germany*: *viii Augusta*, *xxii Primigenia*.

*Upper Pannonia*: *i Adjutrix*, *x Gemina*, *xiv Gemina*.

*Lower Pannonia*: *ii Adjutrix*.

*Upper Moesia*: *iv Flavia Felix*, *vii Claudia*.

*Lower Moesia*: *i Italica*, *v Macedonica*, *xi Claudia*.

*Dacia*: *xiii Gemina*.

*Cappadocia*: *xii Fulminata*, *xv Apollinaris*.

*Phœnicia*: *iii Gallica*. *Syria*: *iv Scythica*, *xvi Flavia Firma*.

*Judæa*: *vi Ferrata*, *x Fretensis*.

*Arabia*: *iii Cyrenaica*.

*Egypt*: *ii Trajana*.

*Numidia*: *iii Augusta*.

*Spain*: *vii Gemina*.

For sixty years after Trajan's Dacian war the Danube

<sup>254</sup> Orelli, 3571.

<sup>255</sup> Pauly, *Real-Encyclopädie*, 877.

<sup>256</sup> It was after the transfer of *vi Victrix* to Britain, and *vi Ferrata* to Jerusalem, and before Noricum and Raetia were garrisoned by legionary troops, as the names of the two legions afterwards posted here are added as a supplement. *C.I.L.* vi. 3492.

remained undisturbed except by petty raids, and while the great military camps along the river grew into important towns, civic life and prosperity developed in the interior of these provinces. But in 168, pushed on probably by movements of free tribes behind, the Marcomanni, Quadi, and Iazyges broke into Noricum, Raetia, Pannonia, and Dacia with a rush, and even penetrated over the Julian Alps into Italy. The Pannonian legions were naturally those principally engaged, and the enemy not acting in concert, and under no settled leaders, were soon driven back from the territory of the empire. The I Adjutrix under its capable legate Pertinax cleared Raetia and Noricum,<sup>257</sup> while the IV Flavia Felix,<sup>258</sup> the II Adjutrix,<sup>259</sup> and the VII Claudia<sup>259</sup> from Upper Moesia are mentioned in inscriptions as having distinguished themselves in this war. No doubt also the Moesian legions, whose frontier was not so immediately threatened, sent *vexillarii* after they had received back the detachments which they had previously sent to the Armenian and Parthian war.<sup>260</sup> In the course of the war which, with some interruption caused by a rising in Syria, went on for seventeen years, two new legions were formed, II and III Italica, which were posted in Noricum and Raetia, hitherto guarded only by auxiliary troops under a procurator. Step by step the perseverance and resolution of M. Aurelius drove back the enemy, compelling first the Marcomanni, then the Quadi, and lastly the Iazyges to submit, and when the second war was begun in 178, no doubt the emperor had determined on completing the policy of Trajan by the addition of two new provinces, Marcomannia and Sarmatia. His death, however, and the succession of his unworthy son, put an end to this scheme, but incomplete as the results of the war were left, they were yet sufficient to assert the supremacy of Rome in this quarter, and when the Roman frontier

<sup>257</sup> Capitolinus, *Pert.* 2.

<sup>258</sup> Pauly, *Real-Encyclopädie*, 878.

<sup>259</sup> Or. 3445.

<sup>260</sup> Mommsen, *Röm. Gersch.* v. 210, note I.

was finally violated by the Goths, it was from the Lower not the Middle Danube that they proceeded.<sup>261</sup>

The same tendency to return to Trajan's frontier policy which Marcus showed on the Danube, he had already shown in the east, where quite early in his reign the affairs of Armenia had again led to a serious Parthian war. The Cappadocian and Syrian armies had been successively defeated, and it was by sending for important reinforcements from the Moesian and German legions,<sup>262</sup> and employing two of the ablest Roman generals, Statius Priscus and Avidius Cassius, that victory at last fell to the Romans. Armenia was again brought within Roman influence, while the western portion of Mesopotamia was once more annexed to the empire. No details with respect to the legions are known, except that, as on so many previous occasions, the Syrian legions proved quite inadequate to meet a resolute enemy. From an inscription in Africa we learn that one of the Syrian legions (VI Ferrata?) was sent temporarily into that province to help to put down a rising of the Mauri.<sup>263</sup>

Since the accession of Vespasian the legions on the frontier had been content to accept the decision of Rome, and had set up no military emperors of their own. On the murder of Commodus, however, a new period commenced. The disgraceful purchase of the empire from the praetorians by Didius Julianus aroused the anger and disgust of the powerful armies of Britain, Upper Pannonia, and Syria, each consisting of three legions. Syria was governed by Pescennius Niger, Upper Pannonia by Septimius Severus, and Britain by Clodius Albinus. The two former were proclaimed emperor by their troops, but Septimius was the most prompt, and by coming to a temporary understanding with Albinus, he kept the British legions out of the

<sup>261</sup> Mommsen, v. 215.

<sup>262</sup> Mommsen, *Röm. Gesch.* v. 406: and Renier. *Mélanges d'Épigraphie*, 123.

<sup>263</sup> Mommsen, *Röm. Gesch.* v. 635.

contest, while the other legions of the Danube provinces, as well as those of the Rhine, declared for him.<sup>264</sup>

One of his first acts constituted an important change in the Roman army. He disbanded the old praetorian cohorts, and with them the custom of enlisting them chiefly from Italy. Henceforth they were to consist of picked veteran troops taken from the regular legions, while the number was increased to 40,000. Like Trajan, he constantly used these troops in his oriental campaigns.

Meanwhile Pescennius had possession of the eastern provinces and Egypt with their nine legions, while he was supported by Arab chiefs and princes of Mesopotamia, and indirectly by the Parthian king. Severus, however, after securing the corn traffic from Africa by sending thither one of his legions, marched with detachments from the west across Thrace to Byzantium, which he besieged. Three battles followed in Asia, at Cyzicus, Nicaea, and Issus, and then after Niger's death, and while Byzantium was still being besieged, Severus marched into Mesopotamia and took possession of the whole as far as Chaboras,<sup>265</sup> making Nisibis the capital of the extended province, and creating two new legions to garrison it, I and III Parthica, while a third legion, II Parthica, probably enrolled at the same time, was posted in Italy, hitherto without a military force.<sup>266</sup>

But Albinus was still to be reckoned with in the west, and Severus hastened back to Europe. At Viminacium he heard that his rival had been declared Augustus by his troops, and so leaving Caracalla in Pannonia, he himself, still with *vexillarii* from his numerous legions, pushed up the Danube into Upper Germany and so into Gaul. What troops precisely the rival emperors had we have no means of knowing. Dio Cassius, probably with considerable exaggeration, reckons the numbers on each side at 150,000 men. Albinus cer-

<sup>264</sup> Roberts, *Les Légions du Rhin*; also Cohen.

<sup>265</sup> Mommsen, *Röm. Gesch.* v. 410.

<sup>266</sup> Numerous inscriptions relative to the legion are found at Albano.

tainly had his three legions in Britain, and probably the two legions from the Lower Rhine and the vii Gemina from Spain. Severus may have had some of the Danube legions or those of Upper Germany or Raetia or Noricum entire, but it is not likely that he left the frontier in any part too weak for efficient defence. The battle near Lugdnum was the first of importance since Cremona in which Roman legions were opposed to one another, and it may be regarded as the omen and beginning of the disunion and anarchy in the empire which ultimately opened its gates to the barbarian invaders.

News of disturbances in the east soon recalled Severus to that part. In Arabia the legion quartered there, iii Cyrenaica, had declared for Albinus,<sup>267</sup> while the Parthians had invaded Mesopotamia and besieged Nisibis. No doubt western legions were again taken into Asia for the campaign which followed. The oriental legions, never very trustworthy, had all been in favour of Pescennius, and his successful rival would certainly not have trusted to their support alone. We have, however, meagre details, but the result was that Mesopotamia was again secured, and Armenia thus lost the ambiguous position between the two empires which had produced so much friction during the past two hundred years.<sup>268</sup>

While Severus thus returned to Trajan's policy on the eastern frontier, but with greater or at least more permanent success, he also followed in his steps in regulating that of the Lower Danube. The numerous inscriptions in Dacia prove that he was almost a second founder of that province. He did not indeed do anything to support its outlying position by fresh annexation to the westward, but he reorganised the province itself, and above all strengthened it by an additional legion, the v Macedonica, which he moved from Troesmis to Potaissa.<sup>269</sup> Obscure as the details are, it is probable

<sup>267</sup> Spart. *Sev.* 12.

<sup>268</sup> Mommsen, *Röm. Gesch.* v. 411.

<sup>269</sup> *C.I.L.* iii 160 and 172.



that the step was caused by the beginnings of that movement to the north-east of Dacia which was soon to bring the Goths on to the Roman horizon.

The last years of his life Severus spent in Britain, where from Eboracum, the capital of the province, and the headquarters of the VI Victrix, he conducted several expeditions against the northern barbarians, while both inscriptions and the partly inaccurate statements of historians seem to prove that he restored the wall and vallum which Hadrian had built from the Solway to the mouth of the Tyne.

His rule was more obtrusively based on military force than that of any of his predecessors. The legions had now at any rate thoroughly learned the lesson that imperators could be created elsewhere than at Rome. Under Severus himself, in spite perhaps of some want of military skill, they were under strict discipline and in efficient condition, but under Caracalla the decline had already begun. The abolition of the distinction between citizens and *peregrini* by opening the legions absolutely to the whole Roman world may have contributed to this, although this was only a development of what we have seen to have been long the actual practice. A more powerful cause was the gradual extension of the system of *vicarii*, which, begun under Trajan, received ever wider application, until, contrary to the old maxim, the Roman armies became filled with the barbarian *coloni* settled within the empire from all parts of the frontiers, and only formally distinguished from those of purely servile birth. A greater mischief still lay in the tendency which now made rapid strides for the great military provinces to struggle for the privilege of appointing their own commanders to the empire. That this result had not happened before was due to the era, unique perhaps in the history of the world, of the "good emperors," when for a hundred years a judicious system of adoption seemed to have united the practical advantages and security of hereditary power with the more ideal claims of elective empire.

Here we take leave of the Roman legions. After



the death of Severus a period of decline and anarchy soon set in; there were always stronger and more determined enemies from without, more divided counsels, less efficient and worse disciplined troops within the empire. Up to the reign of Alexander Severus, however, no serious changes had taken place in the number and disposition of the troops, and in the time of Dio Cassius, who gives a complete list,<sup>270</sup> they were still distributed as follows :—

*Lower Germany* : I Minervia, xxx Ulpia Victrix.  
*Upper Germany* : viii Augusta, xxii Primigenia.  
*Britain* : ii Augusta, vi Victrix, xx Valeria Victrix.  
*Upper Pannonia* : x Gemina, xiv Gemina.  
*Lower Pannonia* : ii Adjutrix, i Adjutrix.  
*Upper Moesia* : vii Claudia, iv Flavia Felix.  
*Lower Moesia* : xi Claudia, i Italica.  
*Dacia* : xiii Gemina, v Macedonica.  
*Noricum* : ii Italica. *Raetia* : iii Italica.  
*Spain* : vii Gemina.  
*Cappadocia* : xii Fulminata, xv Apollinaris.  
*Judaea* : x Fretensis, vi Ferrata.  
*Syria* : iv Scythica, xvi Flavia Firma.  
*Phoenicia* : iii Gallica.  
*Arabia* : iii Cyrenaica. *Africa* : iii Augusta.  
*Egypt* : ii Trajana.  
*Mesopotamia* : i Parthica, iii Parthica.  
*Italy* : ii Parthica.

<sup>270</sup> Dio Cassius (lv. 24) does not mention the xxii Primigenia : he apparently thinks that there was another legion of the same name as the xx Valeria Victrix in Upper Germany. As a matter of fact the xxii Primigenia remained in Germany as late as the time of Carausius. See Marquardt, *Staatsverw.* ii. 452. The most accessible authorities for the whole subject are Mommsen, *Röm. Gesch.* vol. v., *Hermes*, xix., and *C. I. L.* iii.; Marquadt, *Staatsverwaltung*, vol. ii.; Hübner, *Hermes*, xvi.; and Grotefend in Pauly's *Real-Encyclopädie*, vol. iv. To which add Tac. *Ann.* iv. 5; *C. I. L.* vi. 3492; Dio Cassius, lv. 24; Ritterling *De Legione X Gemina*; and (for the British legions up to Nero) an article by Mr. Henderson in *Eng. Hist. Rev.* 1903,

### XIII

## The Provincial Concilia from Augustus to Diocletian

IT has frequently been made a reproach to the imperial system of provincial government that it provided no regular means of communication between the central power on the one hand and the municipal units on the other—that, in fact, no representative system was ever developed. The reproach is true in substance, but at the same time it leaves out of account the institution of provincial assemblies—an institution of which, indeed, it is easy to exaggerate the importance, but which was, nevertheless, based on representation, and though to all appearances primarily of a religious rather than a political character, did, it is certain, involve political consequences, neither insignificant nor accidental. The very fact that these assemblies can be traced in almost every province of the empire, that their organisation appears to have been based, making allowance for certain differences of detail, on the same general plan, and that they remained in the active discharge of their functions during the whole of the first three centuries, and were destined to live on under somewhat changed conditions in the post-Diocletian period—this certainly seems to establish a *prima facie* reason why the origin, the organisation, and the object of these assemblies should receive some investigation. This is, however, attended by considerable difficulties. The allusions in classical texts are few and brief, and we are in consequence obliged to have recourse almost entirely to epi-

graphical evidence ; and it cannot be pretended that with the materials, considerable as they are, at present at our disposal, a complete and entirely coherent account can be given. In what follows I do not pretend to much original work. The materials, such as they are, have been thoroughly worked by French and German scholars, and though I have searched the collections of inscriptions, both Greek and Latin, with some diligence, and, where the evidence is conflicting, have not hesitated to exercise my own judgment, I desire at the outset to express my obligations to the following authorities : Marquardt, " *De conciliis et sacerdotibus provincialibus* ; " " *Ephem. Epigraph.*" i. pp. 200-214, and also " *Staatsverwaltung* " i. pp. 503-516 : Monceaux, " *De communi Asiae Provinciae* ; " Pallu de Lessert, " *L'Assemblée Provinciale dans l'Afrique Romaine* ; " Giraud, " *Les Assemblées Provinciales dans l'Empire Romain* ; " Desjardins, " *Gaule Romaine*," and " *Revue de Philologie*," vol. iii. ; Boissier, " *La Religion Romaine* ; " Bernard, " *Le Culte d'Auguste et la Nationalité Gauloise* ; " and Mommsen, " *Römische Geschichte* " v., pp. 84-89, 242-244, and 317-322.

I have said that these assemblies were primarily of a religious rather than a political character : they were, in fact, intimately associated with the Caesar-worship which forms so marked and, in some respects, so peculiar a feature of the first three centuries. I do not propose to trace back the origin of this worship with any minuteness, but as its political importance as manifested in the provincial assemblies depended entirely upon the nature and strength of the feelings to which it appealed, a brief *résumé* of its main features and the more marked stages in its development seems a necessary preface to my subject. The apotheosis of human beings after death contained nothing in itself contrary to the ideas of Roman religion : indeed, it may be said to follow with strict logic from its principles. In every human person there was inherent a divine element, and this, set free by death, became properly an object of worship to the survivors. Out of this primitive belief arose the

worship paid to the dead members of each Roman household.

The Manes of the dead were *Dii Manes*—a title so familiar in funeral inscriptions—which were propitiated by gifts, and invoked by prayers to preserve their living kindred.<sup>1</sup> So Cicero lays it down as a thing not to be questioned that the rights of the *Dei Manes* are to be kept sacred, and the dead held to be divine; <sup>2</sup> while Tertullian asks, not without contempt, “What do ye in honour of your gods which ye do not equally confer on your own dead?”<sup>3</sup> Nor was a more personal aspect wanting to this conception, and it is interesting to find how the poignancy of grief brings to the same level of emotion the statesman and the freedman. For when Cicero resolves to place his dead daughter in the assembly of the immortal gods,<sup>4</sup> and to build a shrine in her honour,<sup>5</sup> he merely repeats the devotion of the freedman Aphthoros, who raises a tomb “to his sacred goddess Primilla Medica, with whom he has lived for thirty years.”<sup>6</sup> Again, both among the Greeks and Italians divine honours were paid to the founders of cities and the patriarchs of tribes. Theseus was a god to the inhabitants of Attica; Latinus became Jupiter Latiaris to the Latin stock; Semo Sancus, by the same spontaneous euhemerism, was worshipped by the Sabines; Romulus was the god Quirinus to the centralised Roman people. But though this may account for the worship of the *divus Julius*, or the *divi Augusti*, it still leaves unexplained that of the living emperors. This latter depended on elements of less native growth, and only became, as we cannot doubt it did become in time, part and parcel of the Roman faith by means of importation from oriental or Hellenic sources. For these we need go no farther back than to the time of

<sup>1</sup> Henzen, 6206; *C.I.L.* viii. 2803, *Serva tuos omnes*. See also Varro, cited in Augustine, *Civit. Dei*, viii. 26: *Omnes mortuos existimari manes deos et probat per ea sacra quae omnibus fere mortuis exhibentur*.

<sup>2</sup> *De Legg.* ii. 9, 22.

<sup>3</sup> *Apolog.* 13.

<sup>4</sup> *Consolat.* 62, 216.

<sup>5</sup> *Ad Att.* xii. 36.

<sup>6</sup> Wilmanns, 241.

Alexander the Great, who, following oriental examples, was worshipped as a god during his lifetime,<sup>7</sup> not only by his oriental subjects, but, with hardly any resistance, by the Greeks themselves. His successors followed the example so given, and the Ptolemies in Egypt, Lysimachus in Thrace,<sup>8</sup> and the Seleucidae in Syria were regularly, while they were feared as kings, worshipped as gods. Prone to flattery and helpless against their tyrants, these populations, as Giraud well puts it, "divinised their kings, only to make them more human." With this worship of living rulers the Romans were made familiar by their intervention in Greek and Macedonian politics, and the generals and proconsuls, who at home were merely the magistrates and executive of a republic, found themselves in the provinces honoured with sacrifices, and placed in the new and embarrassing position of deities. Already Marcellus seems to have tasted this experience at the hands of the Syracusans,<sup>9</sup> and soon Flamininus received similar honours from the Greeks,<sup>10</sup> Mucius Scaevola and even Q. Cicero from the province of Asia,<sup>11</sup> and in fact, as we learn from Suetonius,<sup>12</sup> it was a usual thing for temples to be erected to the proconsuls. This was at first submitted to in order to avoid giving offence to the provincials, but the precedent was from the point of view of Roman custom a dangerous one: such tendencies are prone to spread, and the Roman mob, always superstitious and excitable, could hardly avoid being influenced by the crowds of resident foreigners from the east, to whom this apotheosis of living persons was a familiar spectacle. The political tendencies which again and again resulted in placing the destinies of the state in the hands of a military dictator made a reality of what had before been a possibility. If the statues of Scipio Africanus were all but placed in the *cella* of Jupiter Capitolinus,<sup>13</sup> libations were actually offered to Marius after his defeat of the

<sup>7</sup> Strab. xiv. 953.<sup>8</sup> C.I.G. 2, 2741.<sup>9</sup> Cic. *Verr.* ii. 2, 21, 50.<sup>10</sup> Plut. *Flamin.* 16.<sup>11</sup> Cic. *loc. cit.* and *ad Quint. frat.* i. 10, 32.<sup>12</sup> Aug. 52.<sup>13</sup> Liv. xxxviii. 56.

Cimbri,<sup>14</sup> while before the statue of Marius Gratidianus, the mere inheritor of a famous name, incense was burnt and wax tapers lighted.<sup>15</sup>

Already, then, we have the way paved for the Caesar-worship with which we have to deal. In part it was by no means contrary to the spirit of Roman religion; in part it was not unprepared for by previous events. It is not difficult to understand the impression created on his contemporaries by Julius Caesar, and we are not surprised to find that he received during life, temples, altars, and a *flamen* to superintend his worship<sup>16</sup> or even that he was formally addressed as Jupiter Julius.<sup>17</sup> The formal apotheosis by decree of the senate after his death<sup>18</sup> partly, no doubt, reflected the policy of the triumvirs,<sup>19</sup> but was principally a concession to the enthusiastic persuasion of the populace that he was a god,<sup>20</sup> a persuasion increased by, though not wholly founded on, the various portents which followed his death.<sup>21</sup> By this time the precedent was fully established, and we find Sextus Pompeius laying claim to a divine descent from Hercules, while in the east Antonius was figuring as the god Dionysus and committing extravagances which perhaps helped to decide Augustus to maintain the more sober attitude which he adopted.<sup>22</sup> This attitude was indeed the easier in that he was from the first invested with a certain suprahuman glamour as *Divi Filius*—a glamour which was increased when in 27 B.C. the title of Augustus was formally given to him by the senate: ὡς καὶ πλεῖόν τι ἢ κατὰ ἀνθρώπους ὢν.<sup>23</sup> With this the emperor, so far as he himself was concerned, seems to have remained content—at any rate within the range of Rome and Italy. Enthusiastic admirers might, no doubt, persist in saying: “He will always in my eyes be a god,”<sup>24</sup> and almost certainly even by the time the “Georgics” were written, i.e. by

<sup>14</sup> Plut. *Mar.* 27.

<sup>16</sup> Suet. *Jul.* 76

<sup>19</sup> Dio Cass. xlvii. 18.

<sup>21</sup> Verg. *Georg.* i. 466 seq.

<sup>23</sup> Dio Cass. liii. 16.

<sup>15</sup> Cic. *de Offic.* iii. 20, 80.

<sup>17</sup> Dio Cass. xlv. 6. <sup>18</sup> *C.I.L.* i. p. 183.

<sup>20</sup> Suet. *Jul.* 88.

<sup>22</sup> Dio Cass. xlviii. 39.

<sup>24</sup> Verg. *Ecl.* i. 7.



30 B.C., many a domestic and private cult was established in his honour; <sup>25</sup> but even Vergil himself speaks of him as only winning his way to Olympus, <sup>26</sup> and we know from Suetonius that in the city he was most firm in refusing the honours of apotheosis. <sup>27</sup> No doubt in this he was actuated to some extent by a desire to avoid giving offence to the Roman nobles, many of whom after his death avowed their disapproval of his complaisance in this respect outside Rome, and complained that "nothing was left to the honour of the gods when he allowed himself to be worshipped in temples and with statues by means of flamens and priests." <sup>28</sup> This complaint, no doubt, was founded on fact, since epigraphical evidence shows that during his lifetime, both in Italy and throughout the provinces, a personal cult was established in his honour, though it was a cult not officially provided for, tolerated and not enjoined, and depending only on private or municipal enthusiasm. Thus within Italy we find a *flamen Augustalis* at Pisa, <sup>29</sup> a *sacerdos Augusti* at Pompeii, <sup>30</sup> a *flamen Caesaris Augusti* at Praeneste, <sup>31</sup> while mention is made of temples at Beneventum, Terracina, Puteoli, and other places. The provincials showed even greater zeal in the same direction. Temples and priests to Augustus, while still living, are known to have existed, among other places, at Athens, <sup>32</sup> Salonica, and Thasos, while in Egypt he was formally invoked as Zeus Soter. There was nothing new in all this except the wide extent to which it was now practised, and it would have been a piece of mere affectation for the recognised ruler of the Roman empire to have refused honours which had been thought not unfitting for a Flamininus or a Cicero. Nor was it mere unmitigated flattery and servility which heaped these divine honours on Augustus. Vergil only expressed the general feeling when he wrote, *Alter*

<sup>25</sup> Verg. *Georg.* iii. 16. *In medio mihi Caesar erit templumque tenebit*; also Hor. *Epist.* ii. i. 15.

<sup>26</sup> *Georg.* iv. 562.

<sup>27</sup> *Aug.* 52

<sup>28</sup> Tac. *Ann.* i. 10.

<sup>29</sup> Orell. 643.

<sup>30</sup> *C.I.L.* x. 830.

<sup>31</sup> Orell. 3874.

<sup>32</sup> *C.I. Att.* iii. 63.

*ab integro saeculorum nascitur ordo.* The change from the republican to the imperial government meant for the provinces, and for Italy, indeed, also, the infusion of new life, protection from oppression, renewal of prosperity. With the old *régime* were associated war, rapine and misery; the new *régime* heralded peace, security and wealth.<sup>33</sup> It was then not flattery so much as enthusiastic loyalty and gratitude which caused this rapid spread of the Augustan cult. Proofs of this feeling we may gather from inscriptions dedicated in various places to the emperor as *fundatori pacis*,<sup>34</sup> *pacatori orbis*,<sup>35</sup> *fundatori publicae securitatis*,<sup>36</sup> *restitutori orbis*,<sup>37</sup> *conservatori generis humani*,<sup>38</sup> while a Greek inscription speaks of him as θεὸς ἐμφάνης καὶ κοινὸς τοῦ ἀνθρωπίνου βίου σωτήρ.<sup>39</sup> There was then in the minds of the provincials an association of the blessings they enjoyed with the imperial government, and, predisposed as they always were even with less reasons to apotheosise their rulers, they threw themselves with ardour and enthusiasm into the new cult, and the devotion, of which in more modern days liberty is usually the object, was then lavished freely upon monarchy.<sup>40</sup>

Of this enthusiastic devotion, which was more marked than elsewhere in the oriental provinces, Augustus naturally had ample proofs after the battle of Actium had placed him in unquestioned supremacy over the empire, and he resolved to utilise it for political purposes by establishing out of it something of the nature of a state religion. That the design was entertained by him from the first of extending this over the whole empire, it would certainly be rash to affirm; that he deliberately proposed to himself the introduction of a system of

<sup>33</sup> Tacitus says (*Ann.* i. 2), *Neque provinciae illum rerum statum abnuebant, suspecto senatus populiue imperio, ob certamina potentium et avaritiam magistratuum, invalido legum auxilio, quae vi ambitu postremo pecunia turbabantur.*

<sup>34</sup> Orell. 601. <sup>35</sup> *Ib.* 323, 859. <sup>36</sup> *Ib.* 1071.

<sup>37</sup> *Ib.* 1030.

<sup>38</sup> *Ib.* 795.

<sup>39</sup> *C.I. Gr.* 2957.

<sup>40</sup> Fustel de Coulanges, *Hist. des instit. polit. de l'ancienne France*, ii. cap. 2.

representation for the Roman world, is of all suppositions the most unlikely and improbable. Such designs rarely emerge like Athene from the head of Zeus; they are framed to suit a particular need, and are then applied further as the occasion rises. So at least it seems to have been in the case before us. The provinces of Asia and Bithynia were conspicuous even among the Asiatic provinces for the jealousies and rivalries existing between the several cities. Of this we have abundant proof in somewhat later times,<sup>41</sup> and it was no doubt equally the case in the Augustan period. To obviate this, and to give some sort of national unity to these provinces, Augustus revived, or rather modified and extended, an institution which had existed in most of the Asiatic regions in times anterior to the Roman occupation, the institution of *κοινά*, or assemblies and reunions common to a number of cities united by some bond of race or religion, or both. Into the history of these ancient *κοινά* my space will not allow me in any way to enter. They had mostly been dissolved when the Romans reconstituted these provinces, but many of them had since been revived on their ancient footing,<sup>42</sup> and the *κοινά* of Ionia,<sup>43</sup> of Phrygia,<sup>44</sup> of Caria,<sup>45</sup> of Lycia,<sup>46</sup> and of many others can be traced during imperial times.

It was, however, a provincial unity which Augustus wished to establish, and therefore it seldom happened, as apparently it did in the case of Lycia, that he was able to make use of the original *κοινόν* as it stood. In most cases a new grouping of states was necessary, corresponding to the geographical limits of the province rather than to any ethnographical distinction among the inhabitants. But to the ideas of the time every such *κοινόν* implied some common religious cult, just as conversely every common cult implied a *κοινόν* for its administration and organisation. Of existing cults

<sup>41</sup> Dio Chrysost. *Orat.* 38, and Tac. *Ann.* iii. 61-63.

<sup>42</sup> Pausan. xvii. 16, 10. <sup>43</sup> Strab. xiv. 1, 3-4.

<sup>44</sup> Eckhel, iii. 140-141 <sup>45</sup> Strab. xiv. 2, 25.

<sup>46</sup> *C.I. Gr.* 4279, and Strab. xiv. 3, 9.

there was none which could have united the provinces. In Asia, e.g., Ephesus would have set up a claim for Artemis, Pergamum for Aesculapius, Cyzicus for Persephone. But it was just here that Augustus perceived how he could make use of his own cult. In this the whole province would unite, and unite readily, and this therefore he constituted the primary object for which the *κοινά* were to meet. If, however, the political advantage of these provincial *κοινά* were to be solid, lasting, and real, it was necessary to guard against the extravagances to which servile populations were prone, and to which Antonius had given such inconsiderate encouragement. It was therefore necessary to render the cult as little personal as possible, and this Augustus effected by combining with his own cult that of the goddess Rome as well. With this latter worship the Asiatics were already not unfamiliar. Smyrna had erected a temple to Rome as early as 195 B.C.,<sup>47</sup> Alabanda had done the same not many years later,<sup>48</sup> and the same thing is attested by inscriptions in other places.<sup>49</sup> The worship of Rome and Augustus then was to be a state cult, giving at once a point of unity to the province, and destined, as the institution gradually spread over the other provinces, also to serve as a link of connexion to the whole empire.<sup>50</sup>

But it was not the worship of Augustus as an individual; it was rather the veneration of the imperial authority vested in his person, and of the sovereign city

<sup>47</sup> Tac *Ann.* iv. 56.      <sup>48</sup> Liv. xliii. 6.

<sup>49</sup> E.g. Assos: Waddington, *Inscript. d'Asie Mineure*, 1727.

<sup>50</sup> Suet. *Aug.* 52, *templa in nulla provincia nisi communi suo Romaeque nomine accepit*. The cult, however, was not confined to the provinces. Thus we have a *flamen Romae et divi Augusti* at Potentia (Momms., *Inscr. Regni Neapol.* 376), at Aquinum (*ib.* 4336), at Ostia (Orell. 2204), at Pola (*C.I.L.* v. 18), and at Terracina (*C.I.L.* x. 6305), while in the provinces we find a purely municipal cult of Rome, and the deified Augustus, at Cyme (*C.I. Gr.* 3524), Nysa (*ib.* 2943), Mylasa (*ib.* 2696), at Apte in Narbonensis (*C.I.L.* xii. 1121, *flamen Romae et divi Augusti suffragiis populi factus*), and at Lucus Augusti in Tarraconensis (*C.I.L.* ii. 2638), though in all these cases Augustus is used in its particular and not its general sense.

in which that authority was concentrated. It was therefore less an apotheosis of the emperor than a consecration of public authority, an organised homage rendered to the Roman state, and to the ruler who represented it. It is necessary, in dealing with inscriptions relating to this subject, to remember once for all that the phrase "Rome and Augustus" means Rome and the reigning emperor. The worship, as it was first constituted, was dissociated, on the one hand, from the personality of Augustus himself, and on the other from the cult of *divus Julius*.<sup>51</sup>

The first step, then, in this direction, was taken, when Augustus, in 29 B.C., while he permitted the Roman citizens dwelling in Asia and Bithynia to build temples to Rome and the deified Julius in Ephesus and Nicaea respectively, allowed the provincials generally, who, in these hellenised provinces, were generally described as Greeks,<sup>52</sup> to build temples to himself in conjunction with Rome at Nicomedia for Bithynia and at Pergamum for Asia.<sup>53</sup> That with these provincial temples, the provincial *κοινά*, or assemblies, were at the same

<sup>51</sup> No doubt the worship of the Divi was at first cultivated mainly by Roman citizens, as the passage in Dio Cassius (li. 20) proves; but the distinction soon disappeared, and there can be no doubt that the original provincial cult of Rome and Augustus, became, if not amalgamated with, at any rate joined to, that of the Divi. This seems to have been the case especially in Spain, where we find a *flamen divorum Augustorum prov. Lusitaniae* (C.I.L. ii. 473), a *flamen Romae et divorum Augustorum prov. Hispaniae citer.* (ib. 4191), and a *flamen Romae divorum et Augustorum*, where *Augustorum* refers to the living emperors, *divorum* to the dead ones (ib. 4205). In Sardinia, too, we have a *flamen divorum Augustorum ex consensu provinciae* (C.I.L. x. 7599), and at Narbo a provincial *sacerdos templi divi Augusti* (C.I.L. xii. 392).

<sup>52</sup> τοῖς ξένοισ' Ἕλληνας σφᾶς ἐπικαλέσας. Dio Cass. li. 20; and conf. *Dig.* xlix., i. 25, κοινὸν τῶν ἐν Βειθυνίᾳ Ἑλλήνων, and C.I. Gr. 3187.

<sup>53</sup> Dio. Cass. li. 20: τοῖς δὲ δὴ ξένοισ' (Ἕλληνας σφᾶς ἐπικαλέσας) ἑαυτῷ τινα, τοῖς μὲν Ἀσιανοῖς ἐν Περγᾶμῳ, τοῖς δὲ Βιθυνοῖς ἐν Νικομηδείᾳ τεμενίσαι ἐπέτρεψε. Conf. Tac. *Ann.* v. 37: Cum divus Augustus sibi atque urbi Romae templum apud Pergamum sisti non prohibuisset.



time constituted, follows from the nature of the institution, but their existence during the lifetime of Augustus is positively attested in the case of Asia, not only by inscriptions<sup>54</sup> and coins,<sup>55</sup> but also by a statement of Josephus.<sup>56</sup> With what degree of rapidity the institution of provincial assemblies, thus set on foot in Asia and Bithynia, was extended to the other provinces, we are not able to say with any certainty. It was no doubt in the first instance an experiment, and probably Augustus established this new state-cult in most of the oriental provinces, though hardly simultaneously. We are, however, only able to speak with certainty of Galatia, which was made a Roman province in 25 B.C.<sup>57</sup> Here a temple was erected at Ancyra, dedicated to Rome and Augustus, and connected with a κοινὸν Γαλατῶν. An interesting inscription has reference to this temple and κοινόν.<sup>58</sup> After commencing with the words Γαλατῶν τὸ κοινὸν ἱερασάμενον θεῷ Σεβαστῷ καὶ θεᾷ Ῥώμῃ, it proceeds to give an account of the various gifts and contests established by several people at the periodical games which seem here to have been quinquennial. The temple itself is called τὸ Σεβαστηῶν, and mention is made of the πανήγυρις, or festive gathering of the province, and an ἵπποδρόμος, apparently one of its main features. The temple was probably erected towards the close of Augustus' reign: portions of it still exist attached to a Mohammedan mosque, and it was here that the famous "Monumentum Ancyranum" was discovered.<sup>59</sup>

In Greece a confusingly large number of κοινά connected with various cults are met with both before and during the imperial period, and the peculiar conditions

<sup>54</sup> *C.I. Gr.* 3957, a congratulatory decree of the κοινόν of Asia on the birthday of Augustus. *Ib.* 3902 b, a decree in honour of Maximus Paulus, proconsul of Asia under Augustus.

<sup>55</sup> Eckhel (ii. 466 and vi. 100) describes coins with *Com(mune) As(iae) Rom. et Aug.* dated *Imp. IX, trib. pot. V.*

<sup>56</sup> Joseph. *Ant. Jud.* xvi. 6, 2, ἐν ἐπισημοτάτῳ τόπῳ γενηθέντι μοι ὑπὸ τοῦ κοινοῦ τῆς Ἀσίας in a decree of Augustus.

<sup>57</sup> Strab. xii. 567 and Dio Cass. liii. 26. <sup>58</sup> *C.I. Gr.* 4039.

<sup>59</sup> Momms. *Res Gest. div. Aug.* p. x.



of a province—which in the past had had so famous, but also so heterogeneous, a history, and where each state held an unbroken continuity with this past to be of more importance than any present advantages—made it perhaps necessary to depart in some way from the usual type of these assemblies, and it is in truth only a conjecture of some probability that the κοινὸν τῶν Ἀχαιῶν καὶ Βοιωτῶν καὶ Λόκρων καὶ Φωκέων, καὶ Εὐβοέων, sometimes called merely τὸ κοινὸν τῶν Ἀχαιῶν, or ἡ σίνδοδος τῶν Παελλήνων, which existed in the earlier imperial period,<sup>60</sup> was constituted by Augustus, and was associated with the imperial cult.<sup>61</sup> In any case, as Mommsen points out,<sup>62</sup> this association was here hardly the primary one, and, in practice at any rate, it was rather an ideal Panhellenism than the consecration of Roman imperialism which this κοινόν served to promote.

But, as Dio Cassius says, the example set in Asia and Bithynia was followed not only in the Hellenic provinces, but also in the other parts of the empire,<sup>63</sup> and in the West we know that the institution was commenced in the time of Augustus himself. As early as 26 B.C., an altar was erected to Augustus at Tarraco, apparently by the province,<sup>64</sup> and if so a *concilium* must have been at the same time formed. That it was so formed seems to follow from the statement of Tacitus under the year 15 A.D.,<sup>65</sup> *Templum ut in colonia Tarraconensi strueretur petentibus Hispanis permissum*, since the province can only have made known its wish to build a temple by means of a deputation sent by the *concilium*.<sup>66</sup> Of

<sup>60</sup> Keil, *Sylog. inscr. Boeotic.* p. 116.

<sup>61</sup> Foucart, *Inscript. de Messénie*, 319. <sup>62</sup> *Röm. Gesch.* 243.

<sup>63</sup> li. 20: καὶ τοῦτ' ἐκείθεν ἀρξάμενον. καὶ ἐπ' ἄλλων αὐτοκρατόρων οὐ μόνον ἐν τοῖς Ἑλληνικοῖς ἔθνεσιν ἀλλὰ καὶ ἐν τοῖς ἄλλοις ὅσα τῶν Ῥωμαίων ἀκούει, ἐγένετο.

<sup>64</sup> *C.I.L.* ii. 540. Eckhel, i. 58, and Quintilian, vi. 3, 77: *Augustus nuntiantibus Tarraconensibus palmam in ara eius enatam* "Apparet," inquit, "quam saepe accendatis."

<sup>65</sup> *Ann.* i. 78.

<sup>66</sup> Conf. Tac. *Ann.* iv. 37: *Per idem tempus Hispania ulterior missis ad senatum legatis oravit ut exemplo Asiae delubrum Tiberio matrique eius exstrueret.*

another instance of the erection of an altar to Augustus we have somewhat more detailed information. The three Gallic provinces, Aquitania, Lugdunensis, and Belgica, had by the organisation of Augustus been distributed into sixty-four *civitates*, based upon the old national *pagi* or cantons.<sup>67</sup> These provinces Augustus determined to band together into a common *concilium*, using as a bond of union the new state-cult. The occasion chosen for carrying out this design was a threatened attack of the Sugambri in 12 B.C., when the imperial prince Drusus assembled the Gallic chiefs at Lugdunum, and, on 1 Aug.,<sup>68</sup> formally consecrated an altar to Rome and Augustus,<sup>69</sup> *ad confluentem Araris et Rhodani* the first priest being C. Julius Vercundaridubnus,<sup>70</sup> an Aeduan. Not long after, as in the case of Tarraco, a temple was built by the *concilium*, the earliest mention of it being in Strabo,<sup>71</sup> who says that it was set up in front of Lugdunum to Caesar Augustus at the confluence of the rivers. There is, too, he proceeds, a memorable altar with the names of the sixty tribes inscribed, and round it statues of each several state.<sup>72</sup>

Not long after this the campaigns of Drusus had resulted in what was practically the annexation of that part of Germany between the Rhine and the Weser. Roman organisation seems to have been partially introduced, and here from the very first the Augustan cult was to serve as a connecting link for the population of the future province. That this was the object and meaning of the *ara Ubiorum* mentioned by Tacitus,<sup>73</sup>

<sup>67</sup> Momms. *Röm. Gesch.* v. 81 seq.

<sup>68</sup> Suet. *Claud.* 2.

<sup>69</sup> Dio Cass. liv. 32.

<sup>70</sup> Liv. *Epit.* 137: *ara Caesari ad confluentem Araris et Rhodani consecrata.*

<sup>71</sup> Strab. iv. 3.

<sup>72</sup> Similar symbolical statues of the *civitates* of Pannonia Superior were apparently placed round the altar of the *concilium* at Savaria. At least two bases of statues have been found inscribed respectively, *Municipium Flavium Augustum Scarbantia* and *Colonia Septimia Siscia Augusta* (C.I.L. iii. 4192, 4193).

<sup>73</sup> Tac. *Ann.* i. 39, 57.

it is almost impossible to doubt. We know from him that it had an annual priest, and in the fatal year of 9 A.D., when Varus was killed, the priesthood was held by Segemundus, a son of Segestes. It was significant of the failure of this plan for romanising Germany that when the revolt took place the *sacerdos* at once tore off his fillets and joined the rebels. It seems, indeed, that the erection of an altar to Rome and Augustus was almost tantamount to the modern custom of unfurling the national flag in token that new territory is annexed. Thus when Domitius Ahenobarbus, legate of Illyricum, in accordance with the forward policy then being pursued, penetrated in 5 or 4 B.C. by way of Vindelicia to the Elbe, he formed, says Dio Cassius,<sup>74</sup> friendly relations with the barbarians in those parts and set up an altar to Augustus by the river. Similarly we find that the expedition to Britain under Claudius was followed almost at once by the erection of a temple to the emperor at Camulodunum, the earliest capital of the province, which was regarded *quasi arx aeternae dominationis*; <sup>75</sup> while lastly the *Flaviae arae* (Rottweil) in the Agri Decumates were in all probability established in connexion with the annexation of that territory by Domitian.<sup>76</sup>

The evidence already adduced is sufficient to show that the system of provincial assemblies was introduced by Augustus and was applied by him both in the eastern and western parts of the empire. It is indeed extremely probable that before the close of his reign every province in the empire had at least an altar to Rome and Augustus, and a *κοινόν* or *concilium* in connexion with it, and that the development of the institution under Tiberius or his successors, with the exception of new provinces, consisted merely in adding a temple to the altar, as in Tarraconensis, or in increasing the number of the provincial temples where one existed already.<sup>77</sup> The

<sup>74</sup> Dio Cass. lv. 80 : βωμὸν ἐπ' αὐτοῦ τῷ Αὐγούστῳ ἰδρύσατο.

<sup>75</sup> Tac. *Ann.* xiv. 31. <sup>76</sup> Momms. *Röm. Gesch.* v. 139.

<sup>77</sup> Tac. *Ann.* iv. 15

data however are insufficient to determine the historical development of each *concilium*, and before proceeding to give an account of their organisation and objects, it will be convenient to give a summary of the evidence for their universal extension over the empire.<sup>78</sup>

In Britain the *templum divo Claudio* at Camulodunum<sup>79</sup> was no doubt dedicated to Rome and Augustus, though probably here, as in other places, a worship of the deified founder of the temple became associated with the wider cult.<sup>80</sup> The existence also of a *concilium* may be inferred from an inscription.<sup>81</sup> For the *Tres Galliae*, in addition to what has been already said, it will be sufficient to refer in advance to the famous inscription of Thorigny which will receive full notice further on.<sup>82</sup> Of the Spanish provinces, Tarraconensis had its temple and meeting-place at Tarraco. We find several honorary inscriptions put up, *consensu concilii Hisp. citerioris* or *ex decreto concilii p. H. c.*,<sup>83</sup> while the names of more than seventy flamens of the province are known to us. In Baetica the *concilium* met at Corduba. We find honours decreed to a flamen *consensu concilii universae provinciae Baeticae*; <sup>84</sup> the province sends legates to Tiberius in 25 A.D. to ask permission to build a temple,<sup>85</sup> and *legati provinciae Baeticae* are mentioned by Pliny.<sup>86</sup> In Lusitania the *concilium* met at Emerita, and several *flamines prov. Lusitaniae* are met with,<sup>87</sup> though the *concilium* itself is not mentioned. In Gallia Narbonensis an altar was erected *numini Augusti* by the *plebs Narbonensis* in 11 A.D. Marquardt seems to regard this as connected with the provincial state-cult. It is clear, however, from the dedicatory inscription, which we have complete,<sup>88</sup> that this was purely a municipal altar, unconnected with the *concilium*, and having no

<sup>78</sup> For this part of the subject see especially Marquardt, *Ephem. Epigr.* vol. i.

<sup>79</sup> Tac. *Ann.* xiv. 31.

<sup>80</sup> See note 51. <sup>81</sup> Orell. 6488.

<sup>83</sup> *C.I.L.* ii. 4246, 4255.

<sup>85</sup> Tac. *Ann.* iv. 37.

<sup>87</sup> *C.I.L.* ii. 35, 160, 396, etc.

<sup>82</sup> Bernard, p. 107.

<sup>84</sup> *C.I.L.* ii. 2221.

<sup>86</sup> *Epist.* iii. 4, 2.

<sup>88</sup> Wilm. 104.

relation to the cult of Rome and Augustus. That the institution existed, however, in this province we know from a number of inscriptions. One is erected *sacerdoti templi divi Augusti quod est Narbone in quod sacerdotium consentiente provincia adlectus est*,<sup>89</sup> while numerous flamens of the province are known.<sup>90</sup> In the African provinces the evidence for the provincial *concilia* is very scanty, though still sufficient to prove their existence. In proconsular Africa an inscription of about the end of the second century is found which the *concilium prov. Africae* set up to Annius Arminius Donatus, an illustrious youth, and grandson of a flamen.<sup>91</sup> L. Apuleius is described by Augustine<sup>92</sup> as *sacerdos provinciae*, and flamens of the province are mentioned in several other inscriptions.<sup>93</sup> In Numidia, which became a separate province under Septimius Severus, a *flamen prov. Numidia* occurs; <sup>94</sup> in Mauretania Caesariensis we have a *flamen provinciae*,<sup>95</sup> while in 61 A.D. we find the province successfully accusing its procurator, Vibius Secundus.<sup>96</sup> In Sardinia we find a personage who was *adlectus inter sacerdotales provinciae ex consensu prov. Sardiniae*,<sup>97</sup> while there is a *flamen prov. Alpium maritimarum*,<sup>98</sup> and a *flamen Augusti prov. Cottianae*.<sup>99</sup> Coming to the Danubian provinces we find an *ara Augusti* at Savaria in Pannonia Superior,<sup>100</sup> and a *sacerdos provinciae Pannoniae Super.*<sup>101</sup> In Pannonia Inferior there is a *sacerdos arae Augusti*,<sup>102</sup> and *sacerdotes totius provinciae*.<sup>103</sup> In Moesia Inferior, M. Ulpian Antipater is *sacerdos provinciae*,<sup>104</sup> Troesmis being probably the seat of the *concilium*; while lastly in Dacia, made into a province by Trajan, we have an inscription set up in honour of the emperor Gordian by the *concilium provinciarum Daciarum trium*, since Dacia, like Gallia Comata, was divided

<sup>89</sup> C.I.L. xii. 392.<sup>90</sup> *Ib.* 3183; Herzog, No. 267, 501, etc.<sup>91</sup> *Ephem. Epigr.* v. No. 698.<sup>92</sup> *Epist.* 138.<sup>93</sup> C.I.L. viii. 1827, 2343, 4252.<sup>94</sup> *Ib.* 7987.<sup>95</sup> C.I.L. viii. 9409.<sup>96</sup> Tac. Ann. xiv. 28.<sup>97</sup> Della Marmora, *Voyage en Sardaigne*, ii. 483.<sup>98</sup> Orell. 2214.<sup>99</sup> C.I.L. v. 7259.<sup>100</sup> C.I.L. iii. 4170.<sup>101</sup> *Ib.* 4108.<sup>102</sup> *Ib.* 6452.<sup>103</sup> *Ib.* 3343.<sup>104</sup> *Ib.* 6170.

under M. Aurelius into three sub-provinces.<sup>105</sup> There is also a *sacerdos arae Augusti nostri coronatus Daciarum trium*.<sup>106</sup>

In Achaia we have already noticed the κοιμὸν τῶν Ἀχαιῶν meeting in Argos,<sup>107</sup> apparently presided over by an ἀρχιερεὺς καὶ Ἑλλαδάρχης διὰ βίον τοῦ κοινοῦ τῶν Ἀχαιῶν.<sup>108</sup> Macedonia had its κοινόν meeting in Thessalonica presided over by an ἀρχιερεὺς καὶ ἀγωνοθέτης τοῦ κοινοῦ τῶν Μακεδόνων.<sup>109</sup> To the κοινόν of Thrace was addressed a rescript of Antoninus Pius,<sup>110</sup> while Crete also had its κοινόν and quinquennial games.<sup>111</sup> In the eastern provinces mention has already been made, and the subject will be again referred to, of the κοινόν and temples of Asia. We hear in the "Digest" of the president of the Bithynian κοινόν — ἄρξας τοῦ κοινοῦ τῶν ἐν Βειθυνίᾳ Ἑλλήνων,<sup>112</sup> while Pliny<sup>113</sup> makes mention of a *decretum concilii* sent by the province to Trajan. Galatia, as we have seen, had its κοινόν and temple. Cilicia had a κοινόν meeting in Tarsus,<sup>114</sup> Cappadocia one in Caesarea ad Argaeum,<sup>115</sup> Syria at Antioch,<sup>116</sup> and after the province of Phoenice was separated from the rest by Septimius Severus we find a *decretum prov. Phoenices*.<sup>117</sup> Lycia, made a province in 43 A.D., seems to have retained its original κοινόν, while in Alexandria there is a temple to Rome and Augustus, though Egypt, differing from the other provinces in its political position, differs also in possessing no provincial assembly.

This brief abstract of the evidence, which in most provinces might be largely increased, is sufficient to show that the institution of κοινά or *concilia* was universal throughout the empire. It remains to consider their organisation and the nature of the business with which they were mainly occupied. In the first place they were representative assemblies, composed of

<sup>105</sup> *C.I.L.* iii. 1454.

<sup>107</sup> *C.I.Gr.* 1625.

<sup>110</sup> *Dig.* xlix. 1, 1.

<sup>113</sup> *Epist.* vii. 5.

<sup>116</sup> *Ib.* 2810.

<sup>106</sup> *Ib.* 1433.

<sup>108</sup> *Ib.* 1718.

<sup>111</sup> *C.I.Gr.* 2583.

<sup>114</sup> *C.I.Gr.* 2810.

<sup>117</sup> *C.I.L.* iii. 167.

<sup>109</sup> *Ib.* 2007

<sup>112</sup> *Dig.* xxvii. 1, 6, 14.

<sup>115</sup> *Ib.* 3428.



delegates sent from the various *civitates* of the province.<sup>118</sup> These delegates to the provincial assembly were probably, like the other *legati*, sent for various purposes by the cities, chosen by the *decuriones*.<sup>119</sup> In Asia, where the popular assemblies continued to exercise distinct political functions, it was apparently in these that the election took place.<sup>120</sup> Whether each *civitas* sent a single deputy or more than one, or whether there were gradations of privilege in this respect, it is impossible to decide with certainty. Of the twenty-three cities which sent deputies to the Lycian *κοινόν* we learn from Strabo,<sup>121</sup> though at a date previous to its organisation as a province, that the most important had three votes each, and the rest either two or one according to their size. Aristides too, in speaking of the deputation sent from Smyrna to attend the Asian assembly, uses *συνέδρους* in the plural, while the inscription of Thorigny seems to give similar evidence for the *concilium* of the *Tres Galliae*, when it states that his native city made *Solemnis inter ceteros legatum*.<sup>122</sup> From the other provinces we have no data, and it would be rash to assume that these details were similarly regulated in all parts of the empire.

Coming together as they did primarily for the object of a religious cult, it follows that they must have had a fixed date<sup>123</sup> for periodical meetings, and a definite place

<sup>118</sup> In the west these were called *legati* (Inscript. of Thorigny in Bernard); in the east usually *συνέδρου* (Aristides, xxvi. 345), but sometimes *κοινόβουλοι* (Waddington, 1176).

<sup>119</sup> Lex col. Genetiv. 92, *duoviri quicunque in ea colonia magistratum habebunt, ei de legationibus publicis mittendis ad decuriones referunto*.

<sup>120</sup> Aristid. *loc. cit.*

<sup>121</sup> Strab. xiv. 3, 3.

<sup>122</sup> This is perhaps confirmed by certain inscriptions found in the amphitheatre near the temple of Augustus at Lugdunum, apparently showing that fixed places were assigned to the deputies from the various cities. Among these *BIT(uriges) C(ubi)* occurs six times, *TRI(casses)* twice.

<sup>123</sup> With regard to the date of meeting we have information only in the case of the *Tres Galliae* and Asia. In the former the assembly met on August 1: *Kal. Aug. eo ipso die quo primum ibi ara Augusto dedicata est*; Suet. *Claud.* 2; in the latter at some date in February.

or places of assembly where the altars and temples to Rome and Augustus were set up.

With regard to the periodicity of the meetings it seems necessary to assume that they were annual. *A priori* we should expect this from the analogy of other cults, almost all of which certainly had their fixed anniversaries, and also from the design which Augustus in instituting these assemblies had in view, the desire to keep continually in the minds of the provincial populations their association with and dependence on the imperial authority—a design which could have been very imperfectly met by a quinquennial or triennial period. As positive arguments for this view may be mentioned the following points. (1) Tacitus states<sup>124</sup> that Segemundus was created priest at the *ara Ubiorum eo anno quo Germaniae descivere*. (2) A decree of the Lycian *κοινόν* votes a statue to Troilus of Balburra, who had been priest *ἐν τῷ ἐξίοντι ἔτει*.<sup>125</sup> (3) We find coins struck in two consecutive years, 97 and 98 A.D., with the legend *Commune Asiae*.<sup>126</sup> (4) The *ἀρχιερεῖς* seems from inscriptions to have been eponymous, and this implies annual election.<sup>127</sup> (5) We know the names of over seventy *flamines* of Hispania Tarraconensis before the time of Diocletian, i.e. between 26 B.C. and 284 A.D., and ο' 90 *ἀρχιερεῖς* of Asia in about the same period. But if the priests were elected every five years, there could only have been seventy-eight altogether, a number actually exceeded in Asia and so nearly reached in Spain that we should practically on this supposition have the complete *fasti* of the province. But (6) what is perhaps the strongest argument of all is the fact that, as we shall see in detail below, one of the most important functions of the assemblies was to formulate accusations, where necessary, against provincial governors, a function which by no possibility could be discharged unless the assembly met at least annually. Quite in accordance with this we find the province of Asia accusing its pro-

<sup>124</sup> *Ann.* i. 57.

<sup>125</sup> Waddington, 1221.

<sup>127</sup> *C.I.Gr.* 3487.

<sup>126</sup> Cohen, i. 466 ; ii. 3.

consul C. Silanus in 22 A.D., and in the next year similarly proceeding against a procurator Lucilius Capito.<sup>128</sup> Similarly the *concilium* of Bithynia had accused the proconsul Varenus Rufus, but while the trial was still proceeding at Rome another meeting of the *concilium* was held, which rescinded the decision of the former one and sent a *decretum concilii* to the emperor dropping the accusation.<sup>129</sup> On the other hand the quinquennial meeting of the assemblies is by no means proved by the passage of Suetonius or the inscriptions which have been relied on in favour of that view. Suetonius says<sup>130</sup> that most of the provinces in addition to temples and altars established also *ludos quinquennales*, while we hear of an *ἱερὸς ἀγὼν πενταετηρικὸς τοῦ κοινοῦ τῶν Κρητῶν*,<sup>131</sup> an *ἱερὸν πενταετηρικὸν κοινὸν Συρίας Κιλικίας Φοινίκης ἐν Ἀντιοχείᾳ*,<sup>132</sup> while another inscription speaks of *κοινὰ Ἀσίας καὶ τοὺς λοιποὺς ἀγῶνας πενταετηρικοὺς τε καὶ τριετηρικοὺς*.<sup>133</sup> These expressions, however, prove at most the existence of quinquennial games in certain provinces, but this is obviously, even if it could be proved of all, not inconsistent with annual assemblies.

With regard to the place of meeting, there seems to be no doubt that in most of the provinces this was always the same, viz. the site of the original altar or temple to Rome and Augustus. This was not always, or necessarily, the capital of the province, though perhaps in a majority of cases it was so (e.g. Tarraco, Carthage, Narbo, Lugdunum), since in Upper Pannonia it was Savaria, not Carnuntum or Brigetio;<sup>134</sup> in Lower Pannonia it was a site near the modern Stühlweissenberg, not Aquincum or Acumincum;<sup>135</sup> in Dacia it was in the neighbourhood of Sarmizegethusa not Apulum.<sup>136</sup> In the province of Asia the number of important cities and their emulation and rivalry with one another occasioned

<sup>128</sup> Tac. *Ann.* iii. 66; iv. 15.

<sup>129</sup> Plin. *Epist.* v. 20; vii. 6.      <sup>130</sup> Suet. *Aug.* 59.

<sup>131</sup> *C.I. Gr.* 2583.

<sup>132</sup> *Bullet. de l'instit. Archéol. de Rome*, 1877, p. 109.

<sup>133</sup> *C.I. Gr.* 1420.      <sup>134</sup> *C.I.L.* iii. p. 525.

<sup>135</sup> *Ib.* p. 432.

<sup>136</sup> *Ephem. Epigraph.* i. p. 207.

a development of the provincial assemblies in a somewhat different line from the other provinces. At first the temple of Rome and Augustus was at Pergamum, and in all inscriptions which clearly date from the time of Augustus it is here that the *κοινόν* was held.<sup>137</sup> But provincial temples were subsequently erected in a number of other cities in the province. Tiberius gave permission to Smyrna to build a temple to himself, his mother, and the senate<sup>138</sup> in 26 A.D., while Cyzicus must have gained a similar permission, since we find the city deprived of its freedom for neglecting to complete its temple to Augustus.<sup>139</sup> Other cities followed suit, and in each city which possessed a provincial temple the *κοινόν τῆς Ἀσίας* was from time to time held. Thus we find it in Sardes,<sup>140</sup> Philadelphia,<sup>141</sup> Cyzicus,<sup>142</sup> Pergamum,<sup>143</sup> Smyrna,<sup>144</sup> Ephesus,<sup>145</sup> Laodicea,<sup>146</sup> and some place, possibly Synnada, in the highlands of Phrygia.<sup>147</sup> In what order the *κοινόν* was held in these cities, or whether there was any strict rotation at all, we have no means of deciding, though the fact that it seems to have been held two years running in Pergamum, in 97 and 98 A.D., puts a certain difficulty in the way of the rotation theory.<sup>148</sup> Other questions, too, concerning Asia admit of only doubtful answers, and I shall not attempt them here; e.g. whether the term *νεωκόρος* was, as Mommsen

<sup>137</sup> Conf. especially *C.I. Gr.* 3902 b, ἐν τῷ γυμνικῷ ἀγῶνι τῷ ἐν Περγάμῳ τῶν Ῥωμαίων Σεβαστῶν.

<sup>138</sup> Tac. *Ann.* iv. 15. There is no doubt that this temple was a provincial one, though not dedicated to Rome and Augustus. As we have already seen, other cults were joined to this in the provinces, and the senate under the empire is often the practical expression, as Mommsen points out (*Staatsr.* iii. p. 1259), for the older and now unmeaning phrase of "republic," and therefore a temple to the emperor, the empress-mother, and the senate meant very much the same thing, though in more concrete terms, as "Rome and Augustus." See coins in Eckhel, ii. 547, with θεὸν σύγκλητον on the reverse, and also Σεβαστὴ σύγκλητος Σμυρναίων with head of Tiberius on other side.

<sup>139</sup> Dio Cass. lvii. 24, and Tac. *Ann.* iv. 36.

<sup>140</sup> *C.I. Gr.* 5918. <sup>141</sup> *Ib.* 3428. <sup>142</sup> *Ib.* 3674.

<sup>143</sup> *Ib.* 1720. <sup>144</sup> *Ib.* 3208. <sup>145</sup> Eckhel, ii. 521.

<sup>146</sup> Wood, *Discoveries at Ephesus*, p. 54.

<sup>147</sup> Aristid. xxvi. 345. <sup>148</sup> Cohen, i. 466; ii. 3.

thinks, applied to cities which had a provincial temple, or whether Monceaux is right in giving a purely municipal meaning to the word,<sup>149</sup> and also whether the term *μητροπόλεις* was co-extensive with the seats of the *κοινόν*; if so, then the *κοινόν* in Lycia must have been held in Tlos, Xanthus and Patara, which are described as the *μητροπόλεις* of the Lycian people.<sup>150</sup>

At the meeting of the *concilium* its proceedings were presided over by the priest of the altar of Augustus,<sup>151</sup> an official who was apparently designated a year beforehand at the previous meeting.<sup>152</sup> In the west his title was either *sacerdos*: e.g. *sacerdos ad templum Romae et Augusti ad confluentes Araris et Rhodani*, or *sacerdos trium provinciarum Galliarum*, *sacerdos provinciae Pannoniae super.*, etc.,<sup>153</sup> or *flamen*, e.g. *flamen provinciae Hispaniae citer.*,<sup>154</sup> *flamen provinciae Lusitaniae.*<sup>155</sup> The difference, however, appears to be a mere matter of terminology, and indeed in Tarraconensis we find indiscriminately the titles *sacerdos*<sup>156</sup> and *flamen* of the province. In the Greek provinces the title is invariably *ἀρχιερεύς*; e.g. *ἀρχιερεὺς τῆς Ἀσίας*,<sup>157</sup> *ἀρχιερεὺς τοῦ κοινοῦ τῶν Γαλατῶν*,<sup>158</sup> i.e. with merely the name of the province or *κοινόν* attached, and though we find the priests of certain purely municipal cults called *ιερεῖς τῆς Ῥώμης καὶ Αὐτοκράτορος*<sup>159</sup> we rarely get this specification in the case of the provincial priests.<sup>160</sup> The president

<sup>149</sup> See on the question, Eckhel iv. 288. <sup>150</sup> Wadd. 1245.

<sup>151</sup> Conf. expressions like *πρῶτος Ἀσίας*, *πρῶτος τῆς ἐπαρχείας*; also *C.I. Gr.* 3487, *ἔδοξεν τοῖς ἐπὶ τῆς Ἀσίας Ἑλλησιν ἐν κοινῷ, Κλαυδίου Λούππου ἀρχιερέως Ἀσίας.*

<sup>152</sup> *ἀρχιερεὺς Ἀσίας ἀποδεδειγμένος*, *C.I. Gr.* 2741; *flamen designatus*, *C.I.L.* ii 4196.

<sup>153</sup> And also in Dacia (*C. I. L.* iii. 1433), Moesia Sup. (*ib.* 773), Dalmatia (*ib.* 2810), Sardinia (Henzen, 5969).

<sup>154</sup> *C.I.L.* ii. 2638.

<sup>155</sup> *C.I.L.* ii. 160, etc., and also in Baetica (*ib.* 2221), Narbonensis (Herzog, 501), Alpes Maritimae (Orell. 2214), Num a Mauretania, etc.

<sup>156</sup> *C.I.L.* ii. 4248.

<sup>157</sup> *C.I. Gr.* 3953 b.

<sup>158</sup> *Ib.* 4106.

<sup>159</sup> *Ib.* 3524.

<sup>160</sup> A possible exception is, *ὁ ἀπὸ τῆς πόλεως ἀρχιερεὺς θεᾶς Ῥώμης καὶ θεοῦ Σεβαστοῦ Καίσαρος* (*Bullet. corr. hell.* v. 192), where,



was elected by the *concilium* of the province,<sup>161</sup> and in all probability the *legati* received some sort of mandate from their own city as to the person for whom they should vote. This at least was the case in Asia, since Aristides says that the popular assembly at Smyrna wished to confer on him the κοινή τῆς Ἀσίας ἱεροσύνη, which can only mean that instructions were to be given to the σύνεδροι of Smyrna to vote for him.<sup>162</sup> Asia however, may have differed from the other provinces in this as it certainly did in another point, which we also learn from the same source. It appears from Aristides that the κοινόν selected several candidates (Aristides was himself τρίτος ἢ τέταρτος on the list) and submitted them to the proconsul, who made the final choice. No trace of this appears elsewhere. The presidency of the *concilium* appears to have been the goal of provincial ambition, and the election was not always conducted without tumult and violence.<sup>163</sup> The president was the highest personage in the province. Thus Q. Trebellius Rufus was ἀρχιερεὺς and πρῶτος τῆς ἐκ Ναρβῶνος ἐπαρχίας.<sup>164</sup> M. Ulp'ius Tryphon was ἀρχιερεὺς τῆς Ἀσίας, ἐν πᾶσι πρῶτος τῆς πόλεως τε καὶ τῆς ἐπαρχίας.<sup>165</sup> Another is called ὁ ἄριστος τοῦ λαμπροτάτου τῆς Ἀσίας ἔθνους,<sup>166</sup> and he had almost invariably passed through all the chief municipal offices in his own city. *Omnibus honoribus in patria sua functus* is an expression which meets us again and again in inscriptions.<sup>167</sup> So we find

however, it is not clear that it is the provincial and not a municipal cult. A certain exception is C.I. Gr. 3187, ἔδοξεν τοῖς ἐπὶ τῆς Ἀσίας Ἑλλησιν, Τιβ. Κλαυδίου Ἡρώδου ἀρχιερέως θεᾶς Πώμης καὶ θεοῦ Καίσαρος.

<sup>161</sup> C.I.L. ii. 2344: *Hic provinciae Baeticae consensu flaminis munus est consecutus.* C.I.L. xii. 292: *in quod sacerdotium universa provincia consentiente adlectus est.* Boissieu, p. 91: *a tribus provinciis Galliis ornatus sacerdotio.*

<sup>162</sup> Aristid. xxvi. 345.

<sup>163</sup> Julius Paulus, v. 30: *Petiturus magistratum vel provinciae sacerdotium, si turbam suffragiorum causa conduxerit, servos advocaverit, aliamve multitudinem conduxerit . . . in insulam deportatur.*

<sup>164</sup> Herzog, 267.

<sup>165</sup> C.I. Gr. 3953 b.

<sup>166</sup> *Ib.* 3504.

<sup>167</sup> E. g. Herzog, 501. C.I. L. ii. 4204, 4230, etc



a flamen of the Cottian Alps who had been *decurio* and *IIvir* of Eburodunum,<sup>168</sup> a flamen of Baetica who had been *pontifex*, *flamen perpetuus*, and *IIvir* in the colony of Patricia,<sup>169</sup> a *sacerdos* of Dacia who had been augur and *IIvir* at Sarmizegethusa, augur at Apulum, and *decurio* at Drobetae,<sup>170</sup> and a *sacerdos* of Pannonia Inferior, who had been a *decurio*, *IIvir*, and flamen at Aquincum.<sup>171</sup> Similarly in Galatia T. Flavius Gaianus, an ἀρχιερεὺς τοῦ κοινοῦ τῶν Γαλατῶν, had been supreme magistrate in his city, had acted as registrar (πολιτογραφήσας), and had three times gone as legate to Antoninus Pius.<sup>172</sup> M. Aurelius Diadochus while ἀρχιερεὺς τῆς Ἀσίας ναῶν τῶν ἐν Περγάμῳ was ἀρχιερεὺς τὸν αὐτὸν χρόνον τῆς πατρίδος (Thyatira) καὶ διὰ βίου βούλαρχος,<sup>173</sup> while an ἀρχιερεὺς ἐν τῷ Λυκίων ἔθνει is described as ἐν τῇ πατρίδι πάσας τὰς ἀρχὰς τελέσας.<sup>174</sup>

The pecuniary burden imposed on the president in connexion with the games was a heavy one,<sup>175</sup> and hence only men of wealth could undertake the office, and this, especially in the east, tended in some degree to limit the choice, and to make the post, if not hereditary, at least re-occur frequently in the same families. Thus we find at Thyatira a Julius Julianus Tatianus who was the son, grandson, and great-grandson of men who had been ἀρχιερεῖς τῆς Ἀσίας,<sup>176</sup> while Philostratus, doubtless with some exaggeration, says of Scopelianus the Sophist, ἐγένετο τῆς Ἀσίας ἀρχιερεὺς αὐτὸς τε καὶ οἱ πρόγονοι αὐτοῦ παῖς ἐκ πατρὸς πάντες.<sup>177</sup> This was a tendency, however, which only became marked in the course of time. Theoretically there were no restrictions on the

<sup>168</sup> *C.I.L.* v. 7259.

<sup>169</sup> *Ephem. Epigr.* ii. 77.

<sup>170</sup> *C.I.L.* iii. 1209.

<sup>171</sup> *Ephem. Epigr.* ii. 258. See also *C.I.L.* ii. 4223; iii. 3368.

<sup>172</sup> *C.I. Gr.* 4016.

<sup>173</sup> *Ib.* 394.

<sup>174</sup> *Ib.* 4289.

<sup>175</sup> *C.I. Gr.* 297, ἀρχιερέα Ἀσίας ναῶν τῶν ἐν Ἐφέρῳ . . . δόντα τὰς ὑπὲρ τῆς ἀρχιερωσύνης μυριάδας . . . εἰς τὴν κατασκευὴν τοῦ νεῶ. Wadd. 1604, ἀρχιερωσύνη πολυτελεστάτη, and 648, ἀρχιερασάμενον ἐνδόξως μετὰ μεγάλων ἀναλωμάτων.

<sup>176</sup> *C.I. Gr.* 3495.

<sup>177</sup> *Vit. Soph.* i, 21, 2. Conf. also *C.I.L.* ii. 4231, 4232, where two brothers are flamens of the province, and *C.I. Gr.* 2782.

election. The president might come from any of the cities, large or small, which sent deputies to the *concilium*, though no doubt the large cities, and especially the capital of the province, furnished a larger proportion than the rest. Thus in the *concilium* of the Tres Galliae we find *sacerdotes* elected from the Aeduans,<sup>178</sup> the Carnutes,<sup>179</sup> the Segusiani,<sup>180</sup> the Tricasses,<sup>181</sup> the Arverni,<sup>182</sup> the Nervii,<sup>183</sup> and about ten other *civitates*. In Hispania Tarraconensis we have as many as twenty-one *flamines* from Tarraco, but we find them also from no fewer than forty-two other *civitates* as well; e.g. Caesar Augusta,<sup>184</sup> Calagurris,<sup>185</sup> Carthago nova,<sup>186</sup> Clunia,<sup>187</sup> Juliobriga,<sup>188</sup> Saguntum,<sup>189</sup> Lucus Augusti,<sup>190</sup> etc. In Pannonia we find them from Aquincum,<sup>191</sup> Siscia,<sup>192</sup> Poetovio,<sup>193</sup> Savaria,<sup>194</sup> and Mursa.<sup>195</sup> In Asia, too, we find the ἀρχιερεῖς coming not only from the cities with provincial temples of their own, but also from Thyatira,<sup>196</sup> Aezani,<sup>197</sup> Bargylia,<sup>198</sup> Magnesia,<sup>199</sup> Tralles,<sup>200</sup> Cibra,<sup>201</sup> Eumenia,<sup>202</sup> Apamea,<sup>203</sup> and altogether from thirty different cities, while Strabo<sup>204</sup> says expressly of Tralles, "This city is inferior to no other in Asia in respect of the wealth of its inhabitants, and there are never wanting men from it who hold the highest position in the province (οἱ πρωτεύοντες κατὰ τὴν ἐπαρχίαν) and whom they call Asiarchs."

Prominent as the priest-presidents were in the western provinces, they were still more so in the eastern and Greek-speaking parts of the empire. The splendid robes and golden diadem worn by the provincial priests<sup>205</sup> and the magnificence and pomp of the games were

<sup>178</sup> Bernard, pp. 53, 54.

<sup>179</sup> *Ib.* 55.

<sup>180</sup> *Ib.* 58.

<sup>181</sup> *Ib.* 64.

<sup>182</sup> *Ib.* 66.

<sup>183</sup> Henz. 5968.

<sup>184</sup> *C.I.L.* ii. 4244.

<sup>185</sup> *Ib.* 4245.

<sup>186</sup> *Ib.* 3412.

<sup>187</sup> *Ib.* 4198.

<sup>188</sup> *Ib.* 4240.

<sup>189</sup> *Ib.* 4214.

<sup>190</sup> *Ib.* 4255, etc.

<sup>191</sup> *C.I.L.* iii. 3485, 3626.

<sup>192</sup> *Ib.* 3936.

<sup>193</sup> *Ib.* 4108.

<sup>194</sup> *Ib.* 4183.

<sup>195</sup> *Ib.* 3288.

<sup>196</sup> *C.I. Gr.* 394, 3504.

<sup>197</sup> *Ib.* 3831 a, 13.

<sup>198</sup> *Bull. corr. hell.* v. 192.

<sup>199</sup> *C.I. Gr.* 2912.

<sup>200</sup> *Ib.* 2933

<sup>201</sup> *Bull. corr. hell.* ii. 594.

<sup>202</sup> Eckhel, iii. 153.

<sup>203</sup> *C.I. Gr.* 3960.

<sup>204</sup> Strab. xiv. 1, 42.

<sup>205</sup> Tertull. *de Idolatr.* 18 and *C.I.L.* iii. 1433.

precisely the objects at which the provincial ambition in this part of the empire chiefly aimed, and accordingly almost from the first a more high-sounding title than mere ἀρχιερεῖς was employed—at first only occasionally, but with greater and greater frequency in the second and third centuries—to describe the provincial president. In Asia he was Ἀσιάρχης, in Bithynia Βιθυνιάρχης, in Galatia Γαλατάρχης, and similar titles are found in Cappadocia,<sup>206</sup> Pamphylia,<sup>207</sup> Lycia,<sup>208</sup> Cilicia,<sup>209</sup> Syria, and Phoenicia.<sup>210</sup> The question as to whether the Ἀσιάρχης and the ἀρχιερεὺς τῆς Ἀσίας were the same person or not, has been much debated. Waddington<sup>211</sup> and Perrot<sup>212</sup> consider that they were different, the ἀρχιερεὺς having the presidency of the κοινόν and the religious celebration; the Ἀσιάρχης being president and director of the games. Marquardt and Giraud on the other hand maintain, and I think correctly, that the two personages were identical, a view which is practically also held by Mommsen,<sup>213</sup> who admits that in inscriptions they are identical, but asserts, though on grounds not stated, that they were originally distinct. Without going into all the details of the question, the following points seem to place Marquardt's view almost beyond question: (1) Modestinus<sup>214</sup> says ἔθνους ἱερωσύνη οἶον Ἀσιαρχία, Βιθυνιαρχία, Καππαδοκαρχία παρέχει ἀλειτουρησίαν ἀπὸ ἐπιτροπῶν. "The priesthood of a province such as the asiarchate, etc. involves exemption from the duty of *tutela*." (2) In an *Epistula ecclesiae Smyrnaeae*,<sup>215</sup> it is stated in reference to the martyrdom of Polycarp in February 155 A.D., ταῦτα λέγοντες ἐπεβόων καὶ ἡρώτων τὸν Ἀσιάρχην Φίλιππον ἵνα ἐπαφῇ τῷ Πολυκάρπῳ λέοντα, and a little farther on συνελήφθη δὲ ὑπὸ Ἡρώδου ἐπὶ ἀρχιερέως Φιλίππου Τραλλιανοῦ. These two

<sup>206</sup> *C.I. Gr.* 4196.<sup>207</sup> Wadd. 1224.<sup>208</sup> *C. I. Gr.* 4198.<sup>209</sup> Wadd. 1480.<sup>210</sup> *C.I.L.* iii. 167.<sup>211</sup> Wadd. ad n° 885.<sup>212</sup> Perrot *de Galatia provincia*, p. 150.<sup>213</sup> *Röm. Gesch.* v. 320.<sup>214</sup> Cited in *Dig.* xxvii. 1, 6, 14.<sup>215</sup> Edited in Ruinart, *Acta Martyrum*, 37 seq.

passages show that the same person in the same year is described as ἀρχιερεύς and as Ἀσιάρχης, though it deserves notice that where he is alluded to as president of the games he is Ἀσιάρχης, where he is mentioned as an eponymous official, he is ἀρχιερεύς. (3) We have two inscriptions in reference to Tib. Julius Reginus, in one of which he is described as ἀρχιερεὺς β' ναῶν τῶν ἐν Ἐφέσῳ, and in the other as Ἀσιάρχης β' ναῶν τῶν ἐν Ἐφέσῳ.<sup>216</sup> (4) While titles like Ἀσιάρχης ναῶν τῶν ἐν Σμύρνῃ and *Asiarcha templorum splendissimae civitatis Ephesiorum*,<sup>217</sup> prove that the asiarch was not confined only to the games, it is equally clear from a passage of Galenus<sup>218</sup> that the ἀρχιερεῖς at any rate in Pergamum did preside on these occasions. (5) The wife of the provincial priest shared his title, as we know from inscriptions in Spain and other places, where we have the *titlë blaminica prov Lusitaniae*, etc.<sup>219</sup> Similarly we find M. Aurelius Zeno and Marcia Claudia Juliana his wife entitled Ἀσιάρχαι δις, but we also find that the wife of the Ἀσιάρχης when described apart from her husband, is ἀρχιερεία, evidently implying that her husband is ἀρχιερεύς.<sup>220</sup> We shall probably be right therefore in regarding the term Ἀσιάρχης and the similar titles in other provinces, as a mere addition to or amplification of that of ἀρχιερεύς of the province caused by the love of pompous and high-sounding titles which was common in the east.<sup>221</sup> Sometimes in inscriptions it is substituted for ἀρχιερεῖς,<sup>222</sup> sometimes it was added by way of accumulation, as e.g. T. Flavius Gaianus is ἀρχιερεύς τοῦ κοινοῦ τῶν Γαλατῶν, Γαλατάρχης.<sup>223</sup> Although the title of Ἀσιάρχης is found in the first half of the first century,<sup>224</sup> yet it is not till the second

<sup>216</sup> Wood, *Discoveries at Ephesus*, pp. 60, 68.

<sup>217</sup> *C.I.L.* iii. 296.

<sup>218</sup> Galen. to *Hippocr. de Part.* xviii. 2.

<sup>219</sup> *C.I.L.* ii. 35, 160, 4198. 4233.

<sup>220</sup> *C.I. Gr.* 3677: Πλωτίου Αὔρ. Γράτου Ἀσιάρχου καὶ Ἰουλίας Αὔρ. Ἀσκληπιοδώρας τῆς γυναικὸς αὐτοῦ ἀρχιερείας.

<sup>221</sup> Dio Chrysost. ii. 148 R. <sup>222</sup> *C.I. Gr.* 3421.

<sup>223</sup> *Ib.* 4016, 4031.

<sup>224</sup> Strab. xiv. 699, and Acts of the Apostles, xix. 31.

and third centuries that it becomes the common term in inscriptions, and this may perhaps be taken to mark the growing secularisation of the institution, especially in the east, where the religious observations were quite thrown into the shade by the splendour of the games.<sup>225</sup>

The extension in Asia of the provincial temples and state cult to other cities besides Pergamum, its original seat, involved the necessity of other ἀρχιερείς in addition to the priest-president of the Asian κοινόν. While the latter was ἀρχιερεὺς τῆς Ἀσίας or Ἀσιάρχης simply, the former occur under such titles as ἀρχιερεὺς Ἀσίας ναῶν τῶν ἐν Περγάμῳ,<sup>226</sup> or ναῶν τῶν ἐν Σμύρνῃ,<sup>227</sup> or ναοῦ τοῦ ἐν Ἐφέσῳ κοινοῦ τῆς Ἀσίας,<sup>228</sup> or ναῶν τῶν ἐν Λυδία Σαρδιαίων,<sup>229</sup> or ναοῦ τοῦ ἐν Κυζίκῳ.<sup>230</sup> That these local ἀρχιερείς were elected by the κοινόν and not by the cities is proved by their common title of ἀρχιερεὺς τῆς Ἀσίας and also by the fact that these priests by no means necessarily belonged to the cities in which they officiated. Thus natives of Thyatira and Philadelphia are ἀρχιερεῖς of the temples in Pergamum,<sup>231</sup> natives of Aphrodisias and Aezani of those in Smyrna,<sup>232</sup> and a

<sup>225</sup> Monceaux has an ingenious theory as to the nature of the asiarchate which deserves to be mentioned. Recognising the fact that in many cases they are certainly identical, but bearing in mind the evidence already alluded to for quinquennial games in Asia and other provinces, he supposes that the ἀρχιερεὺς in each fifth year, when the games were held, was called Ἀσιάρχης. This supposition is supported by some very plausible arguments. But Giraud brings one objection amongst others to it which seems to me to be fatal. We know the names of twenty-six Ἀσιάρχαι between the reigns of Septimius Severus and Gallienus, i.e. in 67 years, whereas, on the supposition of their being quinquennial officials, that number of asiarchs would cover 104 years.

<sup>226</sup> *C.I. Gr.* 3494, 3416. Conf. κοινὸν Ἀσίας ἐν Περγάμῳ, *ib.* 1720.

<sup>227</sup> *Ib.* 2741. Conf. κοινὸν Ἀσίας ἐν Σμύρνῃ, *ib.* 247.

<sup>228</sup> *Ib.* 2965. Conf. κοινὸν Ἀσίας ἐν Ἐφέσῳ, Euseb. *Hist. Eccles.* iv. 17, 11.

<sup>229</sup> *C.I. Gr.* 3461. Conf. κοινὸν Ἀσίας ἐν Σάρδεσι, *ib.* 5918.

<sup>230</sup> *Ib.* 3664. Conf. κοινὸν Ἀσίας ἐν Κυζίκῳ, *ib.* 3674.

<sup>231</sup> *C.I. Gr.* 394, and Wadd 653.

<sup>232</sup> *C.I. Gr.* 2987 b. and 2831 a. 13

native of Acomnia of those in Ephesus.<sup>233</sup> What the relations were between these local ἀρχιερεῖς and the supreme ἀρχιερεὺς τῆς Ἀσίας we do not know, and the nomenclature of the institution becomes still more confusing, when these ἀρχιερεῖς, no doubt from similar motives, also adopted, and by adopting rendered unmeaning, the title of Ἀσιάρχης. Thus we find an *Asiarcha templorum splendidissimae civitatis Ephesiorum*,<sup>234</sup> an Ἀσιάρχης τῆς μεγίστης καὶ πρώτης μητροπόλεως τῆς Ἀσίας,<sup>235</sup> and an Ἀσιάρχης ναῶν τῶν ἐν Ἐφέσῳ.<sup>236</sup> It is a mere conjecture, not improbable, but supported by no positive grounds, that these local ἀρχιερεῖς and Ἀσιάρχαι presided at certain annual festivals held in connexion with the local temples, while the ἀρχιερεὺς τῆς Ἀσίας presided only at the so-called κοινὰ Ἀσίας, which were held in some sort of rotation in the different cities of the province. But a full discussion of the peculiarities of the κοινόν in Asia would occupy too much time for the present essay. For the same reason I will leave undiscussed the precise functions of the ἀγωνοθέτης<sup>237</sup> and the γυμνασιάρχης;<sup>238</sup> nor need I do more than allude to the παῖδες καὶ θεσμοφδοὶ ναοῦ τῶν Σεβαστῶν ἐν Ἐφέσῳ κοινοῦ τῆς Ἀσίας<sup>239</sup> as a proof that the provincial temples had attached to them a number of musicians and trained artistes

The priesthood was no doubt in all the provinces an annual office. This is proved in the west by such expressions as *exacto flamonio*,<sup>240</sup> *consummato honore flamoni provinciae*,<sup>241</sup> *ob honorem sacerdot qui statuas sibi anno xplelo posuit*,<sup>242</sup> while in the east we find the asiarchate held two or three times by the same person.<sup>243</sup> But if the office was not for life, the honour was, and we constantly find ex-provincial priests described as *flamines*<sup>244</sup> or *sacerdotes*;<sup>245</sup> while it is not impossible

<sup>233</sup> Wadd. 755.

<sup>234</sup> C.I.L. iii. 267.

<sup>235</sup> C.I. Gr. 2090.

<sup>236</sup> Wood, *Discoveries at Ephesus*, p. 68.

<sup>237</sup> C.I. Gr. 4016.

<sup>238</sup> Wadd. 1723 c.

<sup>239</sup> Wood, *op. cit.* i.

<sup>240</sup> C.I.L. ii. 2195.

<sup>241</sup> *Ib.* 2223.

<sup>242</sup> C.I.L. viii. 4580.

<sup>243</sup> C.I.Gr. 4075, 3190, etc

<sup>244</sup> C.I.L. ii. 983, 4248, etc.

<sup>245</sup> C.I.L. iii. 4183. Bernard, p. 58. C.I.L. viii. 1827, 2543.



that the title *flamen perpetuus*, apparently ascribed in a few inscriptions to the provincial priest, is a less correct mode of expressing the same thing. In Asia at any rate it seems clear that the asiarchs retained their title, since St. Paul, we learn from Acts xix. 31, knew several asiarchs in Ephesus, who must therefore have answered to the *flamines viri* of the west.

Important as the provincial assemblies would seem to be if we judged by their universal existence, their elaborate organisation, and the outward splendour of their meetings, it appears to be none the less the case that they had no necessary or essential place in the machinery of the imperial government. Their primary object was to keep up in the provincial populations the sense of their connexion with and dependence on Rome and the Augustus. For this end external pomp and splendour, dignified titles, and a representative organisation were eminently helpful, but it was probably only as a matter of convenience, and the result of a gradual development, that they were put to any directly political uses. It is quite in accordance with this that the legal position of the *concilia* seems to have been left entirely undefined. The duties and obligations of the provincial governors are exhaustively treated in the "Digest,"<sup>246</sup> but there is not a word to show that the provincial assemblies were bodies which they were bound to respect, and with which they might conceivably have relations or collisions. The senate after the death of Maximinus issued a proclamation which was sent to all the legally constituted authorities in the empire; but no mention is made of these assemblies,<sup>247</sup> and even the matters which were from time to time transacted by their means might apparently have found other organs of execution. Thus Titus sent a letter to the *κοινόν* of the Achaeans on the exposure of children, but Domitian chose rather to write to the proconsuls on the same subject.<sup>248</sup> Antoninus Pius sent a rescript to the *κοινὸν τῆς Ἀσίας* in

<sup>246</sup> *Dig. lib. 1.*

<sup>247</sup> *Capitol. Maxim. 15.*

<sup>248</sup> *Plin. Epist. ad Traj. 65.*

reference to the treatment of Christians,<sup>249</sup> but Trajan on the same subject had made his wishes known by means of a rescript to his legate Pliny.<sup>250</sup> Similarly, as we shall presently see, the provincial assemblies frequently set in motion proceedings against their governors, but the case of Marius Priscus and others shows us that even a single *civitas* or individual accusers might bring an accusation and even secure a verdict.<sup>251</sup> The fact seems to be, as Giraud points out, that the *concilia*, at any rate during the first three centuries, were really analogous to the various *collegia*, which were licensed indeed and even regulated in many points of their constitution by state law, but were not any of them strictly public bodies. They, too, had their stated feast-days, their officers, their treasury, and in many cases their common cult. and what is not without significance is that the word *κοινόν* is sometimes found to represent the Latin *collegium*. Thus we have a *κοινόν λαμπαδιστῶν*, and a *κοινόν τεχνιτῶν* and a *commune mimarum*.<sup>252</sup> A full discussion of this question of the legal position of the *concilia* would take me beyond the limits of this essay; but there seems to be at least a probability that the provincial assembly was originally merely a college the object of whose meeting was the imperial cult, though the members of the college were, strictly speaking, not individuals but municipalities.

When the time came round for the annual meeting of the *concilium* or *κοινόν*, no doubt the first thing to be performed was the solemn sacrifice at the altar of Rome and Augustus. At this the provincial priest elected in the previous year would preside, dressed in all the official robes, and attended by the deputies from the various cities of the province. Connected with this would no doubt be the accomplishment of the vows made the previous year for the emperor's health and safety,

<sup>249</sup> Euseb. *Hist. Eccles.* iv. 13. The authenticity of this rescript has, it is well known, been doubted.

<sup>250</sup> Plin. *ad Traj.* 96.

<sup>251</sup> Plin. *Ep.* iii. 4, 4; Tac. *Ann.* i. 74; iii. 38; xii. 59.

<sup>252</sup> Dittenberger, *Syll. Graec. Inscrip.* 482, 424. Wilm. 2624.

and the solemn registration (*nuncupatio*) of vows for the coming year—a ceremony accompanied by the acclamation of the provincials flocking round the altar.<sup>253</sup> This ceremony over, a procession would be formed and the *sacerdos* conducted in state to the circus or amphitheatre where the games were to be celebrated.<sup>254</sup> It is no improbable conjecture that the procession in which the praetor at Rome was conducted to the Circus Maximus, and of which Juvenal gives so graphic a description,<sup>255</sup> may have served as a model for these provincial celebrations, though in the wealthy and luxurious cities of the east the model was very likely far exceeded in splendour and magnificence. It has been already noticed that the *legati* at Lugdunum seem to have had fixed places assigned them in the amphitheatre, and we may well believe that crowds of provincials came to witness the contests.<sup>256</sup> These were perhaps not always exclusively athletic or gladiatorial. At Lugdunum we learn from Suetonius<sup>257</sup> that a contest for Greek and Latin rhetoricians was established, and Juvenal<sup>258</sup> alludes to the whimsical rules made there by Caligula, in consequence of which defeated candidates were sometimes ducked in the Rhone. To the provincials naturally it was the scene in the amphitheatre which was the great event of the annual gathering, but the actual assembly of the deputies only met after the public celebrations were over.

Their first business was probably to choose the priest for the next year. So Strabo<sup>259</sup> says of the Lycian *κοινόν*, “In the assembly, first the lysiarch is chosen, then the other officers of the league.”<sup>260</sup> This important part of the proceedings over, the *concilium* passed to the con-

<sup>253</sup> See the account given to Trajan by Pliny of the annual *solutio* and *nuncupatio votorum* by the provincial governors. Plin. *ad Traj.* 100, 101.

<sup>254</sup> Tertull. *de Spectac.* 11.      <sup>255</sup> Juv. *Sat.* x. 36, *seq.*

<sup>256</sup> The amphitheatre at Lugdunum, according to Bernard, could contain 20,000 spectators.

<sup>257</sup> Suet. *Calig.* 20.      <sup>258</sup> Juv. *Sat.* i. 44.

<sup>259</sup> Strab. xiv. 3, 3.

<sup>260</sup> *C.I.L.* ii. 2220; 2244; xii. 392.

sideration of the provincial budget. That this, however, was absolutely unconnected with the system of imperial taxation or with the imperial census is almost certain. To suppose otherwise is inconsistent with what we have seen to be the informal position of the *concilia*, while in the case of the *Tres Galliae*, about whose treasury we have most information, the attribution of any such function to the *concilium* is at once rendered unlikely by the fact that for financial purposes Belgica was grouped with the two German provinces, while Lugdunensis and Aquitania alone were under a common procurator.<sup>261</sup> In truth, the only financial matters which came before the *concilium* related to the expense of the cult and the games, the honorary decrees and statues, and the *legationes* which were from time to time sent by the *concilium* to Rome or elsewhere. Under the first head would of course come the expense of building and maintaining the provincial altars and temples, and the cost of sacrifices, the salaries of the under-officials, the maintenance of the slaves, and the expense of the annual games. Under the second head would come, besides the cost of erecting statues, the *viaticum* and other expenses of the *legati* dispatched by the province; and last, but probably not least, all the expenses involved in carrying through the prosecution of provincial governors. Towards meeting these expenses there was no doubt (1) a regular quota, imposed at each annual meeting, on the cities sending deputies to the *concilium*. In some provinces this may have been a graduated payment depending on the size of the cities, as appears to

<sup>261</sup> Momms. *Röm. Gesch.* v. 85, and Orell. 3331, 3651 etc. It is true that a mutilated inscription is set up by the province to a *sacerdos Romae et Augusti*, who had apparently had something to do with *totius census Galliae*; but this by no means implies that he had taken part in the census for the *concilium*, or *qua sacerdos*, since we also find the *Tres Galliae* erecting a statue to a *procurator ac censibus accipiendis* (Henzen, 6944), certainly an imperial official. Mommsen, I cannot think on any sufficient grounds, supposes that the provincial assemblies had some part, if not in the imposition, yet in the distribution of the taxes (*Röm. Gesch.* v. 85).

have been the case in Lycia.<sup>262</sup> In Asia we must infer from Dio Chrysostom that all paid alike, since he tells the people of Apamea that "they have as much share in the sacrifices of the province and in the expenditure for them as those cities in which the temples are."<sup>263</sup> Possibly a *tabularium* was drawn up for this purpose based on the official census of each city. At least, we find an honorary inscription to a *sacerdos* of Tarraconensis, *ob curam tabulari censualis fideliter administratam*.<sup>264</sup> (2) The expenses of the games were, to a great extent at least, met by the presidents themselves, whose office came in time to be a burden even more than an honour.<sup>265</sup> (3) The *legati* sent by the *concilium* often paid their own expenses, and so we find them in inscriptions thanked *ob legationem qua gratuita apud maximum principem Hadrianum Romae functus est*,<sup>266</sup> or *ob legationem censualem gratuitam*.<sup>267</sup> Similarly the statues decreed were often paid for by the recipients.<sup>268</sup> (4) Gifts were often received from individual provincials for purposes of the *concilium*. Thus an heir is required to give from the interest of the property to the high priest of the κοινόν of Asia in Ephesus a sum every year for sacrifices.<sup>269</sup>

The treasury, like those of the *collegia*, was called *arca*. The *arca* of the *Tres Galliae* is attested by numerous inscriptions at Lugdunum, but an *arca* is also known in Africa<sup>270</sup> and Pannonia.<sup>271</sup> Just as in a *collegium* the *arca communis* was under the control of an actor or syndicus *per quem tanquam in republica quod communiter agi oporteat agatur*,<sup>272</sup> so we find treasury officials in the Gallic

<sup>262</sup> Strab. xiv. 3, 3.

<sup>263</sup> Dio Chrysost. *Orat.* 35, καὶ μὴν τῶν ἱερῶν τῆς Ἀσίας μετέστιν ὑμῶν τῆς τε δαπάνης τοσοῦτον ὅσον ἐκείναις ταῖς πόλεσιν ἐν αἷς ἐστι τὰ ἱερά.

<sup>264</sup> *C.I.L.* ii. 4248.

<sup>265</sup> Philostr. *Vit. Soph.* i, 21: πόλις γὰρ ὁ στέφανος καὶ ὑπὲρ πολλῶν χρημάτων: and *Dig.* l. 5, 8.

<sup>266</sup> *C.I.L.* ii. 4201.

<sup>267</sup> *Ib.* 4208.

<sup>268</sup> *Ib.* 2221.

<sup>269</sup> Wood, *Inscriptions from Great Theatre*, No. 1. *C.I. Gr.* 2741.

<sup>270</sup> Wilms. 1404, *arcae prov. Africac.*

<sup>271</sup> *C.I.L.* iii. 4099.

<sup>272</sup> *Dig.* iii. 4, 1, 1.



*concilium*. Disputed claims, or appeals against the quota, came before the *iudex arcae*,<sup>273</sup> whilst there was also a receiver-general, *adlector arcae Galliarum*, who like the *sacerdos* seems to have passed through all the magistracies in his own city, and was no doubt a member of the *concilium*. To one of these officials we find an inscription set up, *ob adlecturam fideliter administratam*,<sup>274</sup> In Asia there was an official, also a member of the *κοινόν*, called the *ἀργυροταμίας*, who was clearly connected with the treasury of that province.<sup>275</sup>

When the budget was settled, it remained for the *concilium* to pass whatever decrees it deemed advisable. One class of these was of a purely complimentary nature, consisting in the voting of statues and other honours to the priests going out of office, to other officials of the *concilium*, to distinguished provincials,<sup>276</sup> or to the emperor himself.<sup>277</sup> Thus to a flamen of Baetica we find *concensu concilii universae prov. Baeticae decreti sunt honores quantos quisque maximos plurimosque flamen est consecutus cum statua*.<sup>278</sup> Similarly, C. Sempronius Speratus, flamen of the same province, received a statue,<sup>279</sup> while the deputies of Hispania Citerior unanimously voted to C. Valerius Bergidus *ob curam tabulari censualis fideliter administratam statuam inter flaminales viros positam*.<sup>280</sup> In Asia, a decree of the *κοινόν* orders Theophron to be honoured with a gilded statue to be placed in his native city, Hypaepa, and a copy of the decree to be sent to his fellow-citizens.<sup>281</sup> Another inscription, from Thyatira, says: "Inasmuch as Claudius Amphimachus has without blame held office and fulfilled strenuously the liturgies of his native city, and has given

<sup>273</sup> Bernard, pp. 94, 95. Wilm. 2217.

<sup>274</sup> Bernard, pp. 96, 97. Wilm. 2219.

<sup>275</sup> C.I. Gr. 2782, 3957

<sup>276</sup> C.I.L. ii. 4192: C. Annio Flavio Iuliobrigensi . . . prov. *Hisp. citerior ob causas utilitatesque publicas fideliter constanterque defensas*.

<sup>277</sup> C.I.L. ii. 4230, honours decreed to a person *electo a concilio provinciae ad statuas aurandas divi Hadriani*.

<sup>278</sup> *Ib.* 2221. <sup>279</sup> *Ib.* 2344. <sup>280</sup> *Ib.* 4248.

<sup>281</sup> *Rev archaeol.* 1885, p. 104.



himself up in the direst need of Asia, undertaking, of his own accord, an embassy in its behalf, it is resolved that his honours be set up in the most conspicuous spot in his own city, and that a copy of this decree be sent to the citizens of Thyatira, in order that the city may see that Asia knows how to requite those who have served her well." <sup>282</sup>

Then, again, besides these complimentary decrees to provincial magnates, we find that *legationes* were sent by the *concilium* to the emperors at Rome. In all probability these were originally merely to convey the loyal wishes and congratulations of the province to the emperor, as, e.g., we find the *κοινόν* of Asia doing on the birthday of Augustus, <sup>283</sup> or as the Gallic *concilium* sent Africanus to Nero, after the death of Agrippina, with the message, *Rogant te, Caesar, Galliae tuae ut felicitatem tuam fortiter feras.* <sup>284</sup> Pliny tells us that Byzantium spent 15,000 sesterces every year in sending a legate to Rome with a complimentary decree, <sup>285</sup> and considering the close connexion of the *concilia* with the Augustan cult, we cannot imagine that they would do less. <sup>286</sup>

But probably almost from the first the *concilium* began at its meetings to discuss matters of more general interest to the province, and to use the *legationes* as a means not only of conveying their congratulations to the emperor, but also of bringing to his notice any point on which they wished his advice or his permission or his interference. Augustus would see at once the advantages to be gained from this direct communication between himself and the provincials, and by this means the political or semi-political action of the *concilia* would be *de facto* established, although no formal constitution was issued putting *de jure* certain matters in the hands of the assembly; and so while considerable freedom was allowed to the provincials in communicating their wishes to the emperor there was no formal obligation on

<sup>282</sup> C.I. Gr. 3487.

<sup>283</sup> C.I. Gr. 3957

<sup>284</sup> Quintil. viii. 5.

<sup>285</sup> Plin. *ad Traj.* 43.

<sup>286</sup> Other instances of *legationes* to the emperors in C.I.L. ii. 4201, 4208, 4055, etc.

him, though he found it more convenient, especially in matters social and religious, to deal with the province directly rather than through the proconsuls or legates. So Titus, evidently as the result of an inquiry from the province, sends a letter to the Achaeans on the treatment of exposed children.<sup>287</sup> The *κοινόν* of Asia sends Scopelianus to Domitian with a request that he would revoke his decision forbidding vines to be planted in the province.<sup>288</sup> Hadrian sends a rescript to the *κοινόν τῶν Θεττάλων* on the order of procedure to be observed in the provincial courts.<sup>289</sup> Antoninus Pius replies *ad desideria Asianorum* with a decision that the proconsul must enter the province by sea and pass through Ephesus before entering any of the other *μητροπόλεις*.<sup>290</sup> The same emperor also sends a rescript to the *κοινόν* of Asia extending a certain protection to the Christians against persecution,<sup>291</sup> and to the *κοινόν τῶν Θρακῶν* on the right of appeal to the emperor.<sup>292</sup> Hadrian writes to the *concilium Bacticae* on the punishment to be inflicted on cattle-lifters (*abigei*),<sup>293</sup> while Antoninus Pius fixes for the *κοινόν* of Asia the number of physicians, sophists and grammarians for whom immunity from public duties may be claimed in the various classes of cities.<sup>294</sup>

Looking at the miscellaneous character of these rescripts, we cannot avoid the conclusion that it was a mere matter of convenience as to what subject the emperor should put into the hands of the *concilium*, and what he should transact with the governor, though clearly imperial questions of all sorts were beyond the range of the provincial assemblies. There was, however, one kind of communication between the assemblies and the emperor which, developing probably from unimportant and informal beginnings, became in time a really important political instrument in the hands of the provincial deputies, and a means by which the emperor

<sup>287</sup> Plin. *ad Traj.* 65.

<sup>288</sup> Philostr. *Vit. Soph.* I, 21 12.

<sup>289</sup> *Dig.* v. I, 37.

<sup>290</sup> *Dig.* i. 16, 4, 5.

<sup>291</sup> Euseb. *Hist. Eccles.* iv. 13.

<sup>292</sup> *Dig.* xlix. I, I.

<sup>293</sup> *Dig.* xlvii. 14, I.

<sup>294</sup> *Dig.* xxvii. I, 6.

was helped essentially in securing good government throughout the empire. Even in republican times we find instances of particular states sending legates with formal *laudationes* of the governor. So Mamertina took this course in the case of Verres,<sup>295</sup> who systematically collected *laudationes* from the *civitates* of the province.<sup>296</sup> Similarly Flaccus received testimonials of this kind from various parts of Greece.<sup>297</sup> The example was followed probably from the commencement by the provincial assemblies, who in sending their annual congratulatory message to the emperor would add a complimentary decree in honour of the governor of the province. That this was at first very much a matter of routine, and by no means of necessity a fair gauge of the provincial feeling, is shown by the restriction which Augustus put upon the practice, evidently with a view of making it a real help in administration. He forbade the provincials, Dio Cassius tells us,<sup>298</sup> "to give any honour to their governors either during their office or within sixty days after its termination, because certain provinces by framing testimonials and laudations had been the cause of considerable harm." This rule of Augustus, however, gave a certain official value to these testimonials, where the conditions laid down were complied with, and the absence of any such testimonial would imply a certain censure on the part of the province, which might produce an unfavourable result on the governor's future career. But more than this was implied by the imperial sanction to this custom. The next and obvious step was for the provincials to formulate complaints against bad and oppressive governors, and this too we gather that they began to do in the reign of Augustus himself, since according to Suetonius he appointed a commission of consulars for the hearing of the *provincialium appellationes*, one for each province.<sup>299</sup> This, however, can only have been

<sup>295</sup> Cic. *in Verr.* ii. 5, 13.

<sup>296</sup> *Id. ib.* ii. 26, 64.

<sup>297</sup> Cic. *pro Flacc.* 26, 63.

<sup>298</sup> Dio Cass. lvi. 25.

<sup>299</sup> Suet. *Aug.* 33: *et provincialium (appellationes delegabat) consularibus viris quos singulos cuiusque provinciae negotiis praeponit.*

a temporary measure, and throughout the empire we find that the prosecution of provincial governors, whether by the action of the *concilium* or otherwise, took place under the *lex Iulia de repetundis* of 59 B.C., and before the supreme senatorial court.

If the view taken above of the growth of this function of the assemblies is correct, we must guard against the use of language which would suggest that the accusation of provincial governors was the main object which Augustus had in view when he organised them.<sup>300</sup> It was rather a custom which grew up and justified its existence by its convenience, since instances of provincial maladministration like that of Licinius in Gaul<sup>301</sup> must soon have convinced Augustus of the practical necessity of some systematic and easily applicable means of becoming aware of such cases. That the tentative and uncertain beginnings of this political activity of the *concilia* would by frequent use harden into something like a definite privilege, it is easy to understand, and a striking passage of Tacitus proves that in Nero's time, and probably long before, it had put a weapon into the hands of the provincials which made them a real force to be reckoned with by the governors, and that the necessity of showing complaisance to the influential members of the assembly was at once galling to the senatorial order generally and suggested to them all sorts of corrupt ways of securing a favourable testimonial from their province. Claudius Timarchus, an influential Cretan, was accused of having said *in sua potestate situm, an proconsulibus qui Cretam obtinuissent grates agerentur*. Paetus Thrasea in the discussion of the affair in the senate, after proposing that Timarchus should be expelled from the province, continued: "Let us take some steps worthy of the good faith and dignity of Rome against this newly developed pride of the provincials, whereby, without withdrawing any means

<sup>300</sup> The language both of Marquardt and Mommsen is a little uncertain on this point.

<sup>301</sup> Dio Cass. liv. 21.

of self-protection from the allies, the false impression may be removed that our characters are to be tried before any tribunal except that of our fellow-citizens. In former days, indeed, not only praetors or consuls, but even private citizens were sent out to inspect the provinces and to report on the obedience of each, and the nations trembled at the opinion of a single citizen. But now it is we who court and flatter foreign states, and as a vote of thanks comes to depend on the whim of individual provincials, the more readily are accusations resolved on. By all means let the provincials bring their accusations, and retain the right of displaying their power, but let fictitious testimonials extorted by prayers be checked no less than corruption or cruelty. . . . It is surely a degradation to us to collect votes like candidates at an election, and the sooner the practice is checked, the greater equity and firmness will characterise our provincial rule." This remonstrance was not without a temporary effect, and a decree was passed, *ne quis ad concilium sociorum referret agendas apud senatum pro praetoribus prove consulibus grates neu quis ea legatione fungeretur*.<sup>302</sup> That the system of testimonials, however, was in existence in Trajan's time is proved by Pliny in the "Panegyric,"<sup>303</sup> and in that of Alexander Severus by Lampridius.<sup>304</sup> Several inscriptions testify to these provincial testimonials. Thus the province of Dacia dedicates an honorary *titulus* or statue in the following terms: "Through the favour of the gods and the concord of the emperors (Marcus Aurelius and L. Verus) it has happened that P. Furius Saturninus, legate of the *Augusti* from his first arrival till his departure from the province, has treated one and all with such generosity and so lightened their burdens that the province, bounden and devoted to his auspicious

<sup>302</sup> Tac. *Ann.* xv. 20-22.

<sup>303</sup> Cap. 70: *Provinciis quoque in posterum et iniuriarum metum et accusandi neccessitatem remisisti; nam si profuerint quibus gratias egerint, de nullo queri cogentur.*

<sup>304</sup> Lamprid. *Alex. Sever.* 22, *praesides provinciarum quos vere non factionibus laudari comperit . . . muneribus adiuvit.*



name and conspicuous virtues, has caused this to be set up." <sup>305</sup> We also have a decree of the *κοινόν* of Asia dating from the reign of Augustus, in accordance with which a proclamation is to be made in the gymnastic contest of the Roman *Augusti* at Pergamum that "Asia crowns Paulus Fabius Maximus, the proconsul, and that the decree of the province should be set up on a white marble slab in the temple of Rome and Augustus." <sup>306</sup> Similarly the *concilium trium provinciarum Galliarum* sets up an inscription to L. Aemilius Frontinus, *legatus Augusti pro praetore provinciae Lugdunensis*; <sup>307</sup> while the same *concilium* sets up an equestrian statue by the altar of Caesar to Tib. Antistius, *integerrimo abstincentissimoque procuratori trium prov. Galliarum primo unquam equiti Romano a censibus accipiendis*. <sup>308</sup>

On the subject of accusations brought by the provincial *concilia* against the governors, very considerable light is thrown by the famous inscription of Thorigny, which was found in the fifteenth century at the village of Vieux, near Caen, was then transported to the château of Torigny-sur-Vire, and then to St. Lô, where it remains at the present time. <sup>309</sup> The inscription, together with a statue of solid marble, was set up by the *concilium* of the *Tres Galliae* in honour of T. Sennius Solemnis, a member of the *concilium*, and probably *sacerdos* of the province, in the town of the Viducasses, his native place. As priest of Mercury, Mars, and Diana, he had provided spectacles of all kinds during four continuous days, while he was distinguished by an honourable character and a creditable military career. But more than this, the decree goes on to say he was also the friend and client of Tib. Claudius Paulinus, *legatus Augusti pro praetore provinciae Lugdunensis*, under whom he subsequently served with the sixth legion in Britain. <sup>310</sup> He was also the most approved client of Aedinius Julianus, procurator of Augustus in the province of Lugdunensis.

<sup>305</sup> *C.I.L.* iii. 1412.

<sup>306</sup> *C.I. Gr.* 3902 b.

<sup>307</sup> Bernard, p. 98.

<sup>308</sup> *Id.* 99.

<sup>309</sup> Bernard, p. 107, and Marquardt, *Ephem. Epig.* i. p. 205

<sup>310</sup> *C.I.L.* vii. 1045.



The decree concludes: *Tres provinciae Galliae primo unquam monumentum in sua civitate posuerunt: locum ordo civitatis Viducassium libere dedit. Positum XVIII Kal. Jan. Pio et Proculo consulibus*, i.e. in 238 A.D. in the reign of Maximinus. On the two sides of the base on which this decree occupies the main position are the copies of two letters, one from Claudius Paulinus to Solemnis accompanying a number of presents which are enumerated, the other from Aedinius Julianus, now *praefectus praetorii*, commending Solemnis to Badius Commianus, apparently some imperial official, either *legatus* or procurator, in Lugdunensis. As it is this letter which forms the most important part of the inscription, I will quote it *in extenso*:

“Aedinius Julianus to Badius Commianus, health. When I was acting as *quinquefascalis* <sup>311</sup> in the province of Lugdunensis, several good men were brought before my notice, and among them Solemnis, a native of the state of the Viducasses, priest of the province, whom I began to love as well for his principles as for his weighty and honourable character. In addition to this, when they attempted to set on foot an accusation in the *concilium* of the Gallic provinces against my predecessor, Claudius Paulinus, at the instigation of certain deputies who thought themselves injured by him, Solemnis opposed their motion by means of a formal appeal (*provocatione interposita*) on the ground that his city, when it elected him, among others, their deputy, had given him no mandate about an accusation, but had, on the other hand, spoken of Paulinus in terms of praise. By this means it came about that all desisted from the accusation.”

From this letter several inferences may be drawn. (1) It seems clear that the *civitates* gave some special mandate to their deputies as to the course they should pursue in reference to a testimonial to the governor or an accusation against him. (2) The question was debated

<sup>311</sup> Julianus was procurator, but was acting as vice-legate, and so had the five fasces of the imperial governors. See Dio Cass. liii. 13; lvii. 17, and *C.I. Gr.* 4033.

in the *concilium* after the departure of the governor affected, and so in this case under Julianus, not under Paulinus himself. (3) It was the interest of the successor to discourage, and if possible to prevent, the accusation of his predecessor. (4) This might be done by means of securing the influence of leading men in the *concilium*. (5) Thus the door must have been opened to intrigue and corruption of all kinds, and it certainly strikes us as extremely undesirable that a *sacerdos* of the province should be in the position of client to the governor on whose administration the *concilium* had to express its judgment, while the fact that this *clientela* is mentioned as a credit to Solemnis in the decree of the *concilium* itself shows that there was nothing out of the way or irregular in the relationship. (6) Although it has been argued that the words *provocatione interposita* imply that the *sacerdos* or president of the *concilium* had a right of veto in such cases, it seems more probable that Solemnis merely used the influence which his position gave him to induce the other deputies to give up the accusation. Indeed, a right of veto, if it existed, would have been so liable to be at the governor's disposal that the privilege of accusation would have become very much of a farce.

This important document, with the light it throws on the proceedings of the *concilium*, is supplemented in respect to the actual carrying out of the prosecutions at Rome by a number of instances recorded by Tacitus and Pliny. Thus in 22 A.D. C. Silanus, proconsul of Asia, was accused *a sociis* (i.e. by the *concilium*) of *repetundae*, and we learn that the provincial deputies sent by the province to accuse him were *facundissimi totius Asiae*. He was tried before the senate, the emperor himself presiding, condemned, and relegated to the island of Cythmus.<sup>312</sup> Next year a procurator of the same province, Lucilius Capito, was also prosecuted, *accusante provincia*, for having usurped judicial power beyond his department and for enforcing his decisions by means of the military.<sup>313</sup> He was also condemned, and it was on

<sup>312</sup> Tac. *Ann.* iii. 66-69.

<sup>313</sup> *Id.* iv. 15

account of these two successful prosecutions that the cities of Asia decreed to Tiberius, his mother, and the senate, the temple which was subsequently built at Smyrna. Under Claudius, Junius Cilo was accused by the Bithynians of pecuniary corruption. The case was apparently heard not by the senate but by the emperor himself, and Cilo only escaped punishment owing to the excessive vehemence of the provincial deputies and the connivance of Narcissus. Pouring out their complaints with oriental effusiveness, they drowned one another's voices, and Claudius, asking Narcissus what they said, was told that they were expressing their gratitude to Cilo. "Oh, then," said the emperor, "he shall remain in the province for two years more."<sup>314</sup> In the same year Cadius Rufus, proconsul of Bithynia, was condemned *accusantibus Bithynis*, on a charge of *repetundae* and expelled from the senate.<sup>315</sup> Under Nero we have no fewer than seven cases. Cestius Proculus, *Cretensibus accusantibus*, was acquitted;<sup>316</sup> P. Celer, *accusante Asia*, while he escaped conviction owing to the emperor's favour, was never up to his death acquitted;<sup>317</sup> Cossutianus Capito, one of the *piratae Cilicum*,<sup>318</sup> was accused by the provincials, and with such success and energy, that he attempted no defence, and was condemned;<sup>319</sup> Eprius Marcellus, accused by the Lycians, was enabled by profuse bribery to escape.<sup>320</sup> Pedius Blaesus was expelled from the senate, *accusantibus Cyrenensibus*, for tampering with the treasury of Aesculapius and corrupt administration of the military levy.<sup>321</sup> Vibius Secundus, a Roman knight, and doubtless procurator of the province, was condemned on a charge of *repetundae*, *accusantibus Mauris*, and expelled from Italy;<sup>322</sup> while Tarquitius Priscus was condemned on a similar charge, *Bithynis interrogantibus*.<sup>323</sup> Under the Flavian emperors Antonius Flamma was condemned on the accusation of

<sup>314</sup> Dio Cass. ix. 33.

<sup>316</sup> Tac. Ann. xiii. 30.

<sup>318</sup> Juv. Sat. viii. 94.

<sup>320</sup> Id. Ibid.

<sup>323</sup> Id. xiv. 46.

<sup>315</sup> Tac. Ann. xii. 22; Hist. i. 77.

<sup>317</sup> Id. xiii. 33.

<sup>319</sup> Tac. Ann. xiii. 33.

<sup>321</sup> Id. xiv. 18. <sup>322</sup> Id. xiv. 28.

the Cyrenenses, and Baebius Massa, procurator of Baetica, was condemned on the accusation of that province.<sup>324</sup> Under Trajan we have three cases described by Pliny, who indeed took a conspicuous part in all of them, in which provincial governors were accused by the *concilium* of the province. In 101 A.D. Caecilius Classicus, proconsul of Baetica, was accused by the whole province on the score of violence and corruption in his administration. The *legati provinciae* secured Pliny's advocacy of their case. Classicus himself anticipated conviction by a voluntary death, but his subordinates were made responsible for their share in carrying out his orders, and several of them were condemned and punished, and the unlawful spoils of Classicus were restored to the provincials.<sup>325</sup> In 103 or 104 A.D. Julius Bassus, proconsul of Bithynia, was accused by the province, *legati* being sent by the *concilium* to conduct the case. One of these, Theophanes, is described as *fax accusationis et origo*. Pliny was this time on the side of the accused, and attributed the prosecution to the intrigues of factious provincials like Theophanes. He was obliged, however, to admit that Bassus had, contrary to the *lex Julia*, received presents in Bithynia, and the accused was condemned to refund the money, while his acts were rescinded.<sup>326</sup> He was, however, neither banished from Italy nor removed from the senate. Finally, a year or two later, Varenus Rufus, also proconsul of Bithynia, was accused by a deputation from the *concilium*, Pliny again being engaged in the defence.<sup>327</sup> The case, however, as far as we know, was never tried, and after the inquiry had been sanctioned by the senate in a preliminary discussion, and the trial was about to commence, another legate, Polyaenus, arrived from the *concilium*, carrying a decree to the emperor by which proceedings were to be stayed and the accusation dropped. The matter was then referred to the emperor, whose decision we do not know. The dropping of the

<sup>324</sup> Plin. *Ep.* iii. 4, 4; vii. 33, 4. <sup>325</sup> Plin. *Ep.* iii. 9.

<sup>326</sup> Plin. *Ep.* iv. 9. <sup>327</sup> Plin. *Ep.* v. 20; vi. 5, 13; vii. 6.

accusation was, it is probable, due to influences similar to those of which we have inferred the effects from the inscription of Thorigny.

From this summing up of the known provincial prosecutions it appears that the privilege was not confined to any one part of the empire. Spain, Mauretania, and Gaul in the west, Crete and Cyrene in the centre, and Asia, Bithynia, Lycia, and Cilicia all give examples, though it is noticeable that out of sixteen cases, four came from Bithynia and three from Asia. This fact shows that, however much the Augustan cult may have been overshadowed in these provinces by the splendour and frequency of the games, their *κοινά* exercised at least as much political activity as those in the west. Another point which deserves notice is that only two out of fourteen cases tried resulted in an acquittal.

To enter into any account of the procedure under the *lex Julia* which characterised these senatorial trials does not belong to the present subject,<sup>328</sup> but one or two points revealed in Pliny's account throw some light on the course taken in such cases by the provinces. (1) As soon as the accusation was resolved upon, an *inquisitor* was appointed by the *concilium* to collect all the necessary evidence, and when this was forthcoming, he as well as certain *legati* of the province were sent to Rome to conduct the case in its name. That this and not any financial function was the rôle played by the *inquisitor Galliarum*, whose existence is attested by several inscriptions,<sup>329</sup> is proved by Pliny,<sup>330</sup> who, in describing the trial of Classicus, mentions Norbanus Licinianus, *legatus et inquisitor, electus a provincia ad inquirendum*, and who by some means had gained possession of certain incriminating letters written by Classicus himself.<sup>331</sup> (2) Arrived at Rome, the *legati* applied to the senate for senatorial advocates to assist them in the case, sometimes, if not

<sup>328</sup> See my introduction to *Pliny's Correspondence with Trajan*, p. 38 *seq.*

<sup>329</sup> Wilm. 2218, and Bernard, pp. 92, 93.

<sup>330</sup> *Epist.* iii. 9, 29-31.

<sup>331</sup> In this view of the inquisitor I follow Giraud, p. 142.



always, specifying those whom they desired to have, and in such cases as a rule the senate met their wishes. Thus the *legati* of Baetica, says Pliny,<sup>332</sup> *questuri de proconsulatu Caecilii Classici, me a senatu petierunt.*<sup>333</sup> But (3) the *legati* themselves took part in the case, although their vehemence was sometimes prejudicial to the cause,<sup>334</sup> and the flights of rhetoric, in which especially those from the eastern provinces indulged, were not always appreciated by the senatorial court.<sup>335</sup> (4) It was not always merely an unsympathetic audience which the *legati* had to fear. Their duty was an unpopular one, and any excess of zeal or technical misconduct of the case was liable to be visited with rancorous severity. Thus Norbanus, a legate of Baetica against Classicus, was accused of *praevaricatio*, and in the middle of the trial, contrary to all rule and all equity, was compelled to answer on the spot not only to this charge, but to a number of others which had nothing to do with the case. He was condemned and relegated to an island.<sup>336</sup> Similarly in the trial of Julius Bassus, Theophanes, the *fax accusationis et origo*, only escaped a prosecution for misconduct of the case through the refusal of the consuls to put the proposition to the vote.<sup>337</sup> (5) On the other hand the accusers had a certain advantage in being privileged to compel the attendance of witnesses, which the accused, strange as it may seem, was unable to do; and the fact already pointed out that acquittals are so rare is a proof that in spite of senatorial sympathy with the accused, of which Pliny himself makes no secret,<sup>338</sup> the presence of the emperor in the background was sufficient to ensure substantial justice.

Here this account of the provincial *concilia* must end. We can trace their existence by means of inscriptions in

<sup>332</sup> *Epist.* iii. 4. 4.

<sup>333</sup> Conf. also *Epist.* ii. 11, 2; vii. 33, 4.

<sup>334</sup> Dio Cass. ix. 33.

<sup>335</sup> Plin. *Epist.* v. 20, 4: *Respondit mihi Fonteius Magnus, unus ex Bithynis, plurimis verbis, paucissimis rebus.*

<sup>336</sup> Plin. *Ep.* iii. 9, 31, 32. <sup>337</sup> *Id.* iv. 9, 21.

<sup>338</sup> *Id.* ii. 11.



a large number of provinces up to the end of the first half of the third century. With regard to many points in their organisation and functions we are, owing to the nature of the evidence, uninformed. That their existence had an important effect in producing that state of contentment and loyalty towards Rome and that participation in Roman civilisation which were such powerful factors in the success and duration of the empire, there is every reason to believe; but that they were, or were designed to be, important aids in provincial administration, or that they were interposed in revolutionary movements,<sup>339</sup> or played a distinctly political rôle, there is no evidence whatever to show. Representative no doubt they were, but examples of the representative system of government they were not. Such a system was not only alien from, it was contradictory to, the whole imperial scheme. The history of the *concilia* by no means ends with Diocletian: on the contrary, after his time they gain a much more definite constitution, and possibly a more defined and distinct sphere of activity. But their character essentially changes: the provinces are re-grouped, and, above all, Christianity assumes first an importance which seems, even as early as Maximinus,<sup>340</sup> to have been the occasion of a regular hierarchy in the religious affairs of the province,<sup>341</sup> and lastly an ascendancy which, while it owed much of its success to the ecclesiastical organisation directly borrowed from the provincial *κοινά* of the East, must in its turn have essentially modified the aims and *raison d'être* of these assemblies. A full treatment, however, of this important and interesting subject has still to be attempted.

<sup>339</sup> Mommsen (*Röm. Gesch.* v. 85) seems wrong in considering the meeting of deputies from Gallic *civitates* summoned by the Remi in 70 A.D. to have been the provincial *concilium* (Tac. *Hist.* iv. 67, 68). It was rather a revival of the old national assemblies like that summoned at Bibracte against Caesar (Caes. *Bell. Gall.* vii. 63), or that called by Caesar himself at Paris (*ib.* vi. 13).

<sup>340</sup> Euseb. *Hist. Eccles.* viii. 14, 9.

<sup>341</sup> See Julian, *Epist.* 49 and 63.

## XIV

### Imperium Consulare or Proconsulare

IN Vol. xvii. of the *Journal of Philology*, No. 33 (pp. 27-52) there appeared an admirable article by Prof. Pelham on "Some disputed points connected with the 'Imperium' of Augustus and his successors," in which a view is adopted with regard to the "proconsulare imperium" held by Augustus which I think is entirely new, and which differs both from Mommsen and also from Herzog. I had hoped indeed that the latter, in his "System der Verfassung der Kaiserzeit," would have noticed this new theory, and either accepted it or given some sufficient reason for retaining Mommsen's view. He has not however done so, and I think we must infer that he has not seen the article in question, for the case seems to be put and supported there with so much consistency and cogency, that even if it came from an authority much less deserving of attention than Prof. Pelham it would have demanded some recognition.

For my own part I was at first convinced that the new view was correct, and it is only since I have gone into the question more carefully in connexion with Herzog's last volume, that I have found some stumbling-blocks in it, which make me think that Prof. Pelham has strained rather too far the continuity between the constitutional theory of the republic and the practical usage of the empire. The point in question is this. The ordinary view, at any rate since the publication of Mommsen's "Staatsrecht,"<sup>1</sup> is that in the beginning of 27 B.C. when Augustus, as he himself says,<sup>2</sup> "transferred the republic

<sup>1</sup> See especially ii. p. 834, n. 3.    <sup>2</sup> Mon. Anc. Lat. 6, 13.

from his own power to the disposal of the senate and people," he received back for a period of ten years the "proconsulare imperium," i.e. the command of the army throughout the empire, the direct control over the so-called imperial provinces, and probably certain rights over the senatorial provinces in financial matters and in connexion with any troops quartered there: that for purposes of domestic government he intended annually to assume the consulship, which not only invested him with the *prestige* of the chief magistracy, but gave him certain definite rights, such as that of convoking and prior reference in the senate, etc., while he employed the "tribunicia potestas," as Tacitus says, *ad tuendam plebem*, and no doubt for certain subordinate purposes of domestic administration. In 23 B.C., however, for reasons about which there is practically no dispute, he laid down the consulship, while retaining the *proconsulare imperium*, the termination of which would only arrive at the end of 18 B.C., while in order to replace the loss of power caused by the resignation of the consulship (a) he gave greater prominence and importance to the *tribunicia potestas*, which now became "summi fastigii vocabulum," and (b) received from the senate certain special privileges, such as the consular right of prior reference and that of convoking the senate at pleasure,<sup>3</sup> while (c) in 19 B.C. he received the consular fasces and insignia according to Mommsen's interpretation of a passage of Dio,<sup>4</sup> and on two separate occasions in 8 B.C. and 13 A.D. he received a special grant of the *consulare imperium* for the purpose of taking the census.<sup>5</sup> To this view with its distinction between the *consulare* and the *proconsulare imperium* Prof. Pelham objects that it breaks the continuity with republican usage, according to which the proconsular imperium was merely the consular imperium held by a man who was not consul, but was acting *pro consule*: that the notion that the consular authority had by the end of the republic become

<sup>3</sup> Dio Cass. liii. 32.

<sup>4</sup> Id. liv. 10.

<sup>5</sup> *Mon. Anc. Lat.* 2, 5 and 8; Momms. *Staatsr.* ii. p. 836.

in law as well as in fact an urban, domestic and civil authority is a mistaken one: that the actual *provincia* of the consuls indeed was usually confined to Rome, but constitutionally it might still be extended to any part of the empire, and so take the form of the old *imperium infinitum*,<sup>6</sup> in which case they would possess the *majus imperium* over all provincial proconsuls: that in point of fact Augustus revived this theory and put it into practice, and from 27-23 B.C. governed the imperial provinces, not by any *proconsulare imperium*, but as consul with more than half the empire for his province, while in the case of the senatorial provinces also he had the consular *majus imperium* over the senatorial proconsuls. When in 23 B.C. he laid down the consulship, he retained the *consulare imperium*; and, as he retained it *pro consule*, it was usually called "*proconsulare imperium*," but it was really only the consular imperium held by one who was not consul, and by a special exemption he was allowed to hold this consular imperium within the city,<sup>7</sup> and hence, without any special grant, he could say "*consulari cum imperio lustrum solus egi*," i.e. the consular imperium by which he took the census was the same as the so-called proconsular imperium by which he governed the provinces:<sup>8</sup> that in fine he had one imperium only, and that in strict continuity with republican theory was the "*consulare imperium*." But by laying down the consulship, Augustus had lost certain privileges which were attached to it and also its external *prestige*: accordingly the special privileges alluded to above were granted to him in compensation and also the consular insignia and fasces. But it was not only in Rome, Prof. Pelham points out, but in the provinces also that the loss of the consulship involved loss of power. As consul he had the *majus imperium* over the proconsuls of the senatorial provinces: but as holder *pro consule* of the *consulare imperium*, though he was still supreme over the legates of his own provinces,

<sup>6</sup> Momms. *Staatsr.* i. p. 52, n. 7.      <sup>7</sup> Dio Cass. liii. 32.

<sup>8</sup> p. 29.

he possessed only an *acquum imperium* with the other proconsuls, just as Pompeius did as the result of the Gabinian law,<sup>9</sup> and it was to reinstate him in his former position in regard to these provinces, that another special privilege mentioned by Dio Cassius<sup>10</sup> was given to him by the senate ἐν τῷ ὑπηκόῳ τὸ πλεῖον τῶν ἐκασταχόθι ἀρχόντων ἰσχύειν.

No doubt, as I have said, there is something tempting about the consistency of this theory, and its apparent continuity with republican institutions : but I think it should be observed that it is really a continuity only with the prae-Sullan republic. After the time of Sulla the consular imperium was with the fewest exceptions<sup>11</sup> an *imperium domi*. Prof. Pelham is probably right in doubting the existence of any law to which this change can be ascribed, but the Roman constitutional system was full of possible revivals, which however as a matter of fact never interfered with what had grown up by the force of constant usage, and as a matter of usage and custom, the consulship had certainly lost its connexion with the *imperium militiae* in the provinces. Nor is it entirely correct to say absolutely without qualification as to period or usage that the proconsular imperium was only the consular imperium held by a person who was not consul, but acting *pro consule*. No doubt in republican times the *consulare imperium* was often prorogued to a consul after his office was over to enable him to finish a war,<sup>12</sup> and no doubt it was also conferred by delegation on some of the provincial praetores, especially in Spain and Asia,<sup>13</sup> who therefore commonly took the title of proconsules : and sometimes in exceptional circumstances on *privati*, as on Pompeius for the Sertorian war,<sup>14</sup> and again against the pirates by the Gabinian law. But even from the first there was a certain distinction between this prorogued or delegated

<sup>9</sup> Vell. Paterc. ii. 31.      <sup>10</sup> *loc. cit.*

<sup>11</sup> As e.g. Liv. *Epit.* 93 and 94 : Dio Cass. xxxv. 2.

<sup>12</sup> Liv. viii. 23, 12, etc.

<sup>13</sup> Momms. *Staatsr.* ii. p. 628 foll. : conf. ii. 234, n. 1.

<sup>14</sup> Liv. *Epit.* 91.

*consulare imperium*, which was only and essentially an *imperium militiae*, and the full *imperium* held by the acting consul, which was potentially both *domi* and *militiae*. In the course of time this distinction grew more strongly marked (1) by the custom of confining the consuls to urban duties, (2) by the interval of five years, which by a *senatus consultum* of 701<sup>15</sup> and the *lex Pompeia* of the following year,<sup>16</sup> was made necessary between the consulship and a provincial command. The real effect of these two changes was not only to alter the constitutional character of the consulship, but to abolish the promagisterial character of the proconsulship, to make it in fact a distinct magistracy, with distinct duties, always provincial, of its own, a definite mode of appointment and a fixed duration. So Mommsen<sup>17</sup> says, "Diese Bezeichnungen dienen jetzt nicht mehr, wie in der Republik, zur Unterscheidung der ordentlichen Magistratur von der prorogirten, mandirten oder ausserordentlichen, sondern zur Unterscheidung des Provinzialamts von den städtischen Oberämtern." The fact that a constitutional purist like Cicero can still say "omnes enim in consulis jure et imperio debent esse provinciae"<sup>18</sup> is, I think, of small importance in the face of established and practically unbroken usage, and indeed Cicero himself in accordance with this usage is ready enough to reproach Antonius as τὴν πόλιν ἐν τῷ τῆς ὑπατείας χρόνῳ ἐκλιπών.<sup>19</sup> On the other hand the original theory of delegated consular authority for the proconsuls still remains visible in the phrase "*consulare imperium*," which, as both Mommsen<sup>20</sup> and Pelham point out, is attributed to them by republican writers, *proconsulare imperium* not being used, so far as I know, by any writer earlier than Livy.

Under the principate both these tendencies have, it seems to me, become absolute rules. The consulship

<sup>15</sup> Dio Cass. xl. 64.

<sup>16</sup> Id. xl. 56, conf. liii. 14 and Suet. *Aug.* 36.

<sup>17</sup> *Staatsr.* ii. p. 233.

<sup>18</sup> Phil. iv. 9. : conf also ad Att. viii. 15.

<sup>19</sup> Dio Cass. xlv. 20. <sup>20</sup> *Staatsr.* ii. p. 628, n. 1.



is strictly an "urban, domestic and civil" office.<sup>21</sup> I don't think there is a single instance of a consul, as such, governing a province or commanding an army, and the fact that we do find instances, and Dio Cassius<sup>22</sup> implies that they were not infrequent, of consuls holding a provincial government during their year of office,<sup>23</sup> really proves the rule conclusively, because they govern the provinces, not as consuls, but as *legati pr. pr.* or as *proconsuls*, the consulship and the provincial government being held simultaneously but independently of one another. To this we may add the significant fact that wherever *consulare imperium* occurs in imperial times it is used in connexion with urban matters, as e.g. in the *Mon. Ancyrl. loc. cit.* in regard to the census, Dio Cass. lx. 23, with reference to triumphal games, while Tacitus<sup>24</sup> says that the *consulare imperium* was given to Domitian, together with the *praetura urbana*, clearly with the purpose of fulfilling the urban duties of the consuls, Vespasian and Titus, who were both absent from Rome, and certainly not with the idea of giving him any command over the provinces or the troops, since we know that the secondary *proconsulare imperium* could not be held within the city.<sup>25</sup> The only exception to this use of "consulare imperium" (it is noticed by Prof. Pelham) is the case of Pliny, who was sent out to Bithynia as *legatus pro praetore . . . consulari potestate*. This is no doubt a difficulty, but it is probably to be met, as Mommsen meets it, by the suggestion that the consular power involved an augmentation of insignia only, but not an augmentation of competence. On the other hand the *proconsulship* had no less clearly changed its original character. At first and strictly only those provincial governors were *pro consule* who had a military province with armies to command.<sup>26</sup>

<sup>21</sup> Dio Cass. liii. 14, μετὰ τὸ ἐν τῇ πόλει ἀρξαι.

<sup>22</sup> Id. *Ibid.*

<sup>23</sup> Henz. 6483; *C. I. L.* iii. 1171 and 1177, see Momms. *Staatsr.* i. p. 497.

<sup>24</sup> *Hist.* iv. 3. <sup>25</sup> Tac. *Ann.* i. 14, xii. 41, etc.

<sup>26</sup> (Comp. the case of Spain, and see Momms. *Staatsr.* ii. p. 638.)

Now on the contrary the proconsuls are those provincial governors who have no military authority whatever, and therefore the attribution to them of consular imperium seems altogether inapplicablè, and in point of fact I believe that it ceases and is replaced by the phrase, "proconsulare imperium." Thus Valerius Maximus, clearly from the usage of his own time, uses the phrase, even in connexion with republican proconsuls, e.g. T. Aufidius<sup>27</sup> and P. Dolabella,<sup>28</sup> though Cicero would certainly have said "consulari imperio,"<sup>29</sup> while the same phrase is used equally incorrectly in Liv. *Epit.* 91 of Pompey's Sertorian command. So that under the principate I think we are justified in saying that the *consulare imperium* was purely *domi*, and the *proconsulare imperium* was purely *militiae*, that they were not one and the same and that they did not overlap.

Speaking generally, then, I think we must admit that under the empire the *proconsulare imperium* was not merely the *consulare imperium* held by one who was not consul. Is there any reason to think that the case was different with the emperors themselves, that Augustus ever governed the provinces and the army as consul, or that his so-called proconsular imperium, by being allowed to be retained within the city, ever amounted to the *consulare imperium domi*?

(1) Did Augustus govern the provinces from 27-23 B.C. as consul? Strong negative evidence seems to be furnished by the purely urban character of the consulship at other periods under the empire, nor surely will Prof. Pelham maintain that emperors like Vespasian and Domitian, who frequently assumed the consulship, during the years of their consulships governed the provinces as consuls and in other years by their "imperium proconsulare." But to be consistent he must maintain this. For he says<sup>30</sup> "This consular imperium (meaning over the provinces) he wielded from 27-23 as consul, just as

<sup>27</sup> vi. 9, 7.      <sup>28</sup> viii. 1 Ambust. 2.

<sup>29</sup> See *pro Flacc.* 34, 85; *de prov. cons.* 7, 15, etc.

<sup>30</sup> p. 35.

Pompey had wielded his in 52." But Pompey had had the proconsular command in Spain granted to him in 54, and granted for five years, and as he was allowed to exercise this entirely by his legates, he himself remained at Rome, and thus was able to hold the consulship in 52, thus combining the *imperium militiae* which he held *pro consule*, with the *imperium domi* which he held as consul, but certainly not, (or at least what evidence is there for the assertion ?) wielding his power (over the provinces) as consul.<sup>31</sup> But in the case of Augustus, I think there are positive arguments against Prof. Pelham's view. As consul, he must of course have been annually elected, have received his imperium for one year at a time, and his province, i.e. on Prof. Pelham's supposition the so-called imperial provinces, assigned to him for the same time, and then re-assigned, whereas Dio Cassius <sup>32</sup> says plainly enough, and Prof. Pelham accepts his statement, that the power by which Augustus commanded the provinces and the army was granted for ten years. If this statement is correct, it seems certain that Augustus did not govern the provinces and army as consul, for no one will assert that the consulship was granted for ten years. The consulships of Augustus therefore were no exception to the rule now prevalent about that office : they conferred an imperium used only for urban purposes, as e.g. the census,<sup>33</sup> while the government of provinces and army was contained in the *imperium proconsulare*, which Dio Cassius calls by that name under 23 B.C.,<sup>34</sup> which is always so called in connexion with the destined successor, and which could never have been applied to the government of the city.

Moreover, if Professor Pelham's view has an attractive appearance of consistency in one direction, I think it is open to a charge of inconsistency in another. If, when Augustus ceased to be consul in 23 B.C., he was allowed not only to retain the consular imperium, but to retain it in the city, so that by its means he could e.g. take the

<sup>31</sup> Momms. *Staatsr.* i. p. 498, ii. p. 233 n. 4.

<sup>32</sup> liii. 13.

<sup>33</sup> *Mon. Anc. Lat.* 8, 2.

<sup>34</sup> liii. 32.

census, it seems hard to understand what he really lost by giving up the consulship, or why it was necessary to confer on him either the special privileges of 23 B.C. which were to make up for the loss of the consulship, but would surely be contained in the consular imperium, or the consular insignia and fasces in 19 B.C., which again would certainly have been involved in the same imperium.

It seems, however, to me that when the senate allowed Augustus τὴν ἀρχὴν τὴν ἀνθύπατον . . . ἔχειν ὥστε μήτε ἐν τῇ ἐσόδῳ τοῦ πωμηρίου κατατίθεται αὐτὴν, μήτ' αὐτοῖς ἀναγεοῦσθαι, it did not give him in any sense the *consulare imperium domi*, but simply allowed him to exercise his proconsular government of the provinces and army from the city, just as Pompeius had done during his five years' government of Spain, i.e. it affected not the range over which his imperium could be extended, but the locality from which it could be exercised. There was, therefore, no question of governing Rome by proconsular authority, which Prof. Pelham says was not yet possible, though I do not see how he reconciles with this statement the assertion of p. 24 that the consular imperium, in virtue of which Augustus held the census, was in fact no other than that by which he ruled the provinces and the legions, the so-called *imperium proconsulare*. Dio Cassius does indeed state <sup>35</sup> that he did on one occasion take the census by the *proconsulare imperium*, but that is a statement which has hitherto been regarded as erroneous and indeed impossible.<sup>36</sup> Does not in fact Prof. Pelham, in saying that Rome could not be governed by proconsular authority, use the word in a somewhat ambiguous sense? If proconsular authority is merely consular authority held by a man who is not consul, and yet is allowed to hold it in Rome, there seems no reason why Rome should not be governed by it, as presumably it was to be by Domitian during the absence of his father and brother,<sup>37</sup> and it

<sup>35</sup> lv. 13.

<sup>36</sup> Momms. *Res gest. div. Aug.* p. 37.

<sup>37</sup> Tac. *Hist.* iv.

is only in the other sense of proconsular, i.e. as relating to the provinces—a meaning which Prof. Pelham apparently rejects—that his statement is correct. Then with regard to the census taken by Augustus in 8 B.C. and 13 A.D., and which Prof. Pelham thinks did not require any special grant of the *consulare imperium*. The words of Augustus himself are : <sup>38</sup> “ Iterum consulari cum imperio lustrum solus feci,” and “ Tertium consulari cum imperio lustrum conlega Tiberio Caesare filio feci,” the Greek being ὑπατικῇ ἐξουσίᾳ. Apart from any special theory, I think the natural impression conveyed by the language is that the imperium was specially conferred for the occasion. The phrase “ cum imperio ” (Prof. Pelham, in quoting the passage, omits the preposition) favours this view, and when Augustus says <sup>39</sup> that he carried out certain measures by the tribunicia potestas—a power certainly held permanently and not specially granted, he uses the phrase not δημαρχικῇ ἐξουσίᾳ but τῆς δημαρχικῆς ἐξουσίας ὧν (unfortunately the Latin is lost). So I imagine, if he had had the *consulare imperium* permanently, he would have said τὴν ὑπατικὴν ἐξουσίαν ἔχων. It may perhaps deserve notice in this connexion that Dio Cassius,<sup>40</sup> under the year 4 B.C., says ἀνθύπατον ἐξουσίαν πρὸς τε τὸ τέλος τῶν ἀπογραφῶν καὶ πρὸς τὴν τοῦ καθαρσίου ποίησιν προσέθετο. No doubt the statement is erroneous, both as regards date and as to the proconsular power,<sup>41</sup> but Dio must almost certainly have had some authority for saying that a special imperium was conferred for census purposes, and therefore the statement to a certain extent strengthens the inference from the monument. There is, however, another passage of Dio Cassius <sup>42</sup> which, I think, absolutely proves that the princeps did not hold the consular imperium permanently within the city in the way which Prof. Pelham assumes, for we learn that Claudius was only able to celebrate some triumphal games (a function belonging to the consuls),<sup>43</sup>

<sup>38</sup> *Mon. Anc. Lat.* 8, 5 and 8. <sup>39</sup> *Mon. Anc. Grk.* 6, 12.

<sup>40</sup> *lv.* 13, <sup>41</sup> See above. <sup>42</sup> *lx.* 23.

<sup>43</sup> Momms. *Staatsr.* ii. p. 129, n. 4.

ὑπάτου τινὰ ἐξουσίαν λαβὼν, and evidently, if he had had the *consulare imperium* in a sense enabling him to take the census, he would also by the same means have been able to celebrate the former without a special grant.

Lastly, the privilege mentioned by Dio Cassius—ἐν τῷ ὑπηκόῳ τὸ πλεῖον τῶν ἐκασταχόθι ἀρχόντων ἰσχύειν — admits of another explanation than that given by Prof. Pelham. It seems to me that what was given to Augustus in 27 B.C. was the proconsular imperium over the so-called imperial provinces <sup>44</sup> and the command of the army wherever it was, the senatorial provinces and their proconsuls being left independent, except so far as military and perhaps some financial matters were concerned. During the interval between 27–23 Augustus was employed in organising the imperial provinces in Gaul and Spain, and he may very likely have convinced himself that similar organisation was necessary in the senatorial provinces as well. This would be a sufficient reason for having the *maius imperium* in those provinces definitely secured to him, and in fact we find him in the next years making use of the power so given in his progress through the Oriental provinces. On the whole, therefore, in spite of the somewhat tempting symmetry of Professor Pelham's view, I think that this privilege was an "extension of his authority," and not merely a restoration of what he lost when he ceased to be consul.

<sup>44</sup> Dio Cass. liii. 12.



## XV

### Plutarch, Tacitus, and Suetonius ,on Galba and Otho

THE authenticity of the Lives of Galba and Otho, though it has not absolutely escaped the attacks of German criticism, has never been very seriously impugned, and it is not necessary to enter into the question here any further than to mention one or two of the most obvious reasons which seem to justify the accepted view that they were written by Plutarch. (1) They are mentioned in the Catalogue of Lamprias. This Catalogue is doubtless not exactly what it professes to be, and contains certain works which are confessedly not Plutarchean, but that portion of it which mentions these Lives together with those of several other Caesars deserves perhaps some special credit, because it also names a Life of Scipio Africanus, which, though no longer extant, is testified to by Plut. "C. Gracch." c. 10. (2) Though not, as we shall soon see, biographies in the same sense as the Parallel Lives, they nevertheless are similar in style to the rest; they are introduced by certain moral reflections in very much the same way as e.g., are the Lives of Pericles, Agis, Pelopidas, Aratus, Demosthenes, Sertorius, etc.: they are interspersed quite after Plutarch's manner with quotations from poets,<sup>1</sup> and in several places they show that imperfect knowledge of Latin which we know from Plutarch himself that he possessed. "ἡμεῖς δὲ ὅψε ποτε καὶ πόρρω τῆς ἡλικίας

<sup>1</sup> Conf. *Galb.* 16, 22, and 27, 31.

ἡρξάμεθα ῥωμαϊκοῖς γράμμασιν ἐντυγχάνειν . . . ἐν δὲ Ῥώμῃ καὶ ταῖς περὶ τὴν Ἰταλίαν διατριβαῖς οὐ σχολῆς οὔσης γυμνάζεσθαι περὶ τὴν ῥωμαϊκὴν διάλεκτον ὑπὸ χρειῶν πολιτικῶν," "Demosth." c. 2. (3) The writer of these Lives was a friend of Mestrius Florus, and had travelled in Italy with him,<sup>2</sup> and that Mestrius Florus was known to Plutarch we learn from his Moral Writings, in several of which he appears as an interlocutor, while that Plutarch visited Italy several times and once during Vespasian's reign we also know from himself.<sup>3</sup> We shall therefore take it for granted that Plutarch is the author of our two Lives.

Another question however immediately suggests itself on reading these Lives, which is not so easily disposed of, and into which, especially as the subject seems never to have been treated in any English book, it will be necessary to enter with some detail. The reigns of Galba and Otho, of which Plutarch here writes the history, are, as is well known, also narrated by a more brilliant historian than Plutarch, and one who is also much more familiar to most students. They in fact form the subject of the first and half of the second book of the "Histories" of Tacitus. Few instances have come down to us from classical times in which the same period of history has been narrated by two writers so closely contemporary with one another as Plutarch and Tacitus, and the fact that they belonged to different nations and wrote each in his own language certainly make no less interesting the question—what relation their accounts bear to one another, were the authorities which they used the same or different, or is there any sign of one account having been derived from the other?

It so happens that both Tacitus and Plutarch have given us in their own words the scope and object of their respective works. Tacitus, after premising that his period begins with the consulship of Galba and Vinius, goes on to say,<sup>4</sup> "Ceterum antequam destinata componam, repetendum videtur, qualis status urbis, quae

<sup>2</sup> *Oth.* 14.

<sup>3</sup> *de Solter. Anim.* 19, and conf. *de Curios.* 15.

<sup>4</sup> *Hist.* i. 4.

mens exercituum, quis habitus provinciarum, quid in toto terrarum orbe validum, quid aegrum fuerit, ut non modo casus eventusque rerum, qui plerumque fortuiti sunt, sed ratio etiam causaeque noscantur." These words lead us to expect from Tacitus a history of the whole empire during the period he has chosen, not confined to the events in Italy and Rome, but embracing the fortune of the provinces as well, a history too, based on a rational investigation of the causes which underlay the events narrated. Plutarch, on the other hand, after some introductory remarks of a moralising nature, concludes cap. 2 with the words "Τὰ μὲν οὖν καθ' ἕκαστα τῶν γενομένων ἀπαγγέλλειν ἀκριβῶς τῆς πραγματικῆς ἱστορίας ἐστίν, ὅσα δὲ ἄξια λόγου τοῖς τῶν Καισάρων ἔργοις καὶ πάθεσι συμπέπτωκεν, οὐδὲ ἐμοὶ προσήκει παρελθεῖν." In other words, Plutarch is not writing a general history of the empire. He is rather selecting out of such a general history those events in which the personal fortunes of the emperors were directly or indirectly concerned. It is to be observed however that, if Plutarch disclaims the composition of *πραγματικὴ ἱστορία*, he by no means says here as he does elsewhere <sup>5</sup> that he is writing mere *βίοι*. It is important on more grounds than one to note this. He does not say that he is going to narrate the *ἔργα* and *πάθη* of the emperors, but those events which had a connexion with their *ἔργα* and *πάθη*; in other words, not their biographies but their reigns, and it is quite in accordance with this promise that he carries out his work.

We should expect therefore from these two passages to find that the account of Tacitus is a wider and more complete one than that of Plutarch. And this is in fact the case. We have nothing in Plutarch answering to the general view which Tacitus takes of the state of the various provinces of the empire.<sup>6</sup> The detailed account of the state of the German provinces which Tacitus gives us <sup>7</sup> is represented in Plutarch by a single chapter,<sup>8</sup> nearly a quarter of which is occupied by a speech of one

<sup>5</sup> *Vit. Alex.* I.<sup>6</sup> *i.* 4-11.<sup>7</sup> *i.* 51-60.<sup>8</sup> *Galb.* 22.

of the soldiers, though it is no doubt true that a good deal of what Tacitus tells us may have been given by Plutarch under the lost reign of Vitellius. The incidents in the march of Valens and Caecina into Italy<sup>9</sup> are for the same reason omitted in Plutarch, who likewise makes no mention of the invasion of Moesia by the Rhoxolani.<sup>10</sup> Nor does he give us anything corresponding to the sketch of affairs in the Eastern provinces with which Tacitus opens his Second Book.<sup>11</sup> In fact Plutarch makes no mention of the provinces at all except in so far as the personal fortunes of the emperors are concerned in them, and so, while references are made to the state of Spain and Gaul in connexion with Galba and Vindex, and to Germany in connexion with Verginius Rufus and the rising against Galba, the affairs of the other provinces are entirely passed over, only Africa being alluded to in reference to Clodius Macer, Syria and Judaea in reference to the attitude of Mucianus and Vespasian, and the Illyrican provinces in reference to the side taken by their legions. So closely indeed does Plutarch confine himself to the one main thread of his narrative, that he says nothing of the expedition of Otho's fleet and the resulting campaign in Gallia Narbonensis described by Tacitus.<sup>12</sup> With these exceptions, however—and we should have been glad if Tacitus had made them more numerous by paying still greater attention to the non-Italian part of his subject—the two narratives take a strikingly similar course. How similar it is, will best be seen from the following conspectus, which it will be convenient to insert at this point, after which we shall be in a better position to discuss the relation of the two narratives to one another.

Tacitus begins his "Histories" with the commencement of the year 69 A.D., whereas Plutarch gives some account of Galba's government of Tarraconensis, of his correspondence with Vindex, his proclamation by his army, and his march to Italy, while several chapters are devoted

<sup>9</sup> Tac. *Hist.* i. 61-70.

<sup>10</sup> *Ib.* i. 79.

<sup>11</sup> *Ib.* ii. 1-10.

<sup>12</sup> *Ib.* ii. 12-16.

to the attempt made at Rome by Nymphidius Sabinus in the interval between Nero's death and Galba's arrival to secure the empire for himself. The correspondence therefore with Tacitus of the first fifteen chapters of Plutarch's "Galba" is naturally not very close, although Tacitus, partly in his resumé of the state of the empire<sup>13</sup> partly in the speech of Otho,<sup>14</sup> and in other scattered notices repeats portions of what had no doubt their proper place in the last Book of the "Annals." Thus he mentions the "donativum sub nomine Galbae promissum,"<sup>15</sup> the particulars of which are given in full by Plutarch,<sup>16</sup> and also very briefly the attempt "Nymphidii Sabini praefecti imperium sibi molientis."<sup>17</sup> The attitude of Verginius Rufus in Germany and his proclamation as emperor by his army are similarly alluded to by Plutarch<sup>18</sup> and Tacitus.<sup>19</sup> A still closer resemblance is seen in the two references to Icelus, Galba's freedman :—

τῷ δὲ ἀπελευθέρῳ δακτυλίου τε  
χρυσοῦς ἔδωκε καὶ Μαρκιανὸς ὁ  
Ἰκελὸς ἤδη καλούμενος εἶχε τὴν  
πρώτην ἐν τοῖς ἀπελευθέροις  
δύναμιν.<sup>20</sup>

nec minor gratia Icelo  
Galbae liberto, quem anulis  
donatum equestri nomine Mar-  
cianum vocitabant.<sup>21</sup>

Plutarch's statement that Fabius Valens ὥρκωσε πρῶτος εἰς Γάλβαν in the army of Verginius<sup>22</sup> is confirmed, though without the mention of Valens' name, by Tacitus,<sup>23</sup> "nec nisi occiso Nerone translatus in Galbam, atque in eo ipso sacramento vexillis inferioris Germaniae praeventus erat."

Very striking is the agreement in the account given of the career of Titus Vinius in Plutarch, "Galb." 12, and Tacitus, i. 48.<sup>24</sup> Plutarch however gives the story where the influence of Vinius is first alluded to, Tacitus

<sup>13</sup> i. 4-II.      <sup>14</sup> i. 37, 38.      <sup>15</sup> i. 5.

<sup>16</sup> Galb. 2, 6-12.      <sup>17</sup> i. 5.      <sup>18</sup> Galb. 6, 9-14.

<sup>19</sup> Tac. Hist. i. 8 ad fin.      <sup>20</sup> Galb. 7 ad fin.      <sup>21</sup> Tac. Hist. i. 13.

<sup>22</sup> Galb. 10, 19.

<sup>23</sup> Tac. Hist. i. 53.

<sup>24</sup> See notes ad loc. where the passage of Tacitus is quoted in extenso.

on the occasion of his death. The attempted retention of the corn-ships in Africa by Clodius Macer <sup>25</sup> is less clearly alluded to by Tacitus.<sup>26</sup>

The deaths of Cingonius Varro and Petronius Turpilianus *πρὸ κρίσεως*, the former as one of the *συνωμόται* of Nymphidius, the latter as *Ἐρώνι πιστός*,<sup>27</sup> are mentioned in very similar language by Tacitus,<sup>28</sup> "tardum Galbae iter et cruentum interfectis Cingonio Varrone consule designato et Petronio Turpiliano consulari: ille ut Nymphidii socius, hic ut dux Neronis, inauditi atque indefensi tanquam innocentes perierant." As closely corresponding are the notices concerning Macer and Capito.

Μάκρωνα γὰρ ἐν Λιβύῃ διὰ  
Τρεβωνίου καὶ Φοντήϊον ἐν Γερμανίᾳ  
διὰ Οὐάλεντος ἀνελὼν πρόφασιν  
εἶχεν ἐν ὅπλοις καὶ στρατοπέδοις  
ὄντας φοβηθῆναι.<sup>29</sup>

Macrum in Africa haud  
dubie turbantem Trebonius  
Garutianus procurator iussu  
Galbae, Capitonem in Ger-  
mania, cum similia coeptaret,  
Cornelius Aquinus et Fabius  
Valens legati legionum inter-  
fecerant antequam iuberentur.<sup>30</sup>

The collision with the classarii described with details by Plutarch <sup>31</sup> is briefly mentioned by Tacitus.<sup>32</sup> The exaction of the Neronian *donationes* is with the exception of one circumstance <sup>33</sup> similarly described by Plutarch <sup>34</sup> and Tacitus.<sup>35</sup> The growing unpopularity of Vinus and his influence over Balba is similarly described in Plutarch <sup>36</sup> and Tacitus.<sup>37</sup> The temporary preservation of Tigellinus owing to the influence of Vinus is mentioned with some detail by Plutarch,<sup>38</sup> and is briefly alluded to by Tacitus on the occasion of his execution under Otho, "apud Galbam Titi Vinii potentia defensus" <sup>39</sup> while the demand for his punishment by the mob ἐν

<sup>25</sup> Galb. 13, 24.

<sup>26</sup> Hist. i. 73.

<sup>27</sup> Galb. 15 *ad init.*

<sup>28</sup> Hist. i. 6.

<sup>29</sup> Galb. 15, 11-14.

<sup>30</sup> Hist. i. 7.

<sup>31</sup> Galb. 15, 18 foll.

<sup>32</sup> Hist. i. 6.

<sup>33</sup> See below, p. 311.

<sup>34</sup> Galb. 16, 8 foll.

<sup>35</sup> Hist. i. 20.

<sup>36</sup> Galb. 16 *ad fin.*

<sup>37</sup> Hist. i. 12 *ad fin.*

<sup>38</sup> Galb. 17, 9 foll.

<sup>39</sup> Hist. i. 72.



πᾶσι θεάτροις καὶ σταδίοις is also mentioned by Tacitus.<sup>40</sup>

Plutarch's remark in reference to Galba's unpopularity καὶ τὰ μετρίως πραττόμενα διαβολὴν εἶχεν<sup>41</sup> is found also in Tacitus, "inviso semel principe seu bene seu male facta perinde invidiam adferebant."<sup>42</sup> The rewards given to those states of Gaul which had supported Vindex are alluded to in Plut. "Galb." 18, 4 and Tac. i. 8 and 51.

The anger of the soldiers at the non-payment of the donative is mentioned by both,<sup>43</sup> and also the effect produced by Galba's assertion εἰωθέναι καταλέγειν στρατιώτας οὐκ ἀγοράζειν, which Plutarch says was φωνὴ μεγάλῃ ἡγεμόνι πρέπονσα, Tacitus, "vox pro republica honesta."<sup>44</sup>

The arrogance of the German legions on account of their victory over Vindex is spoken of in very similar terms :—

μεγάλων ἀξιοῦντες αὐτοὺς διὰ τὴν μάχην, ἣν ἐμαχέσαντο πρὸς Οὐτίνδικα.<sup>45</sup> solliciti et irati superbia recentis victoriae.<sup>46</sup>

while the new legate, Hordeonius Flaccus, is described in almost identical words.<sup>47</sup>

Plutarch mentions letters announcing the disaffection of the legions under Vitellius παρὰ τῶν ἐπιτρόπων ;<sup>48</sup> Tacitus says that letters were brought from Pompeius Propinquus, procurator of Belgica, announcing the sedition of the Upper German army.<sup>49</sup>

Both agree that this news urged Galba to carry out his plan of adopting an heir :—

ὁ δὲ φοβηθεὶς, ὥς μὴ μόνον διὰ τὸ γῆρας, ἀλλὰ καὶ διὰ τὴν ἀπαιδίαν καταφρονούμενος ἐβουλεύετο παῖδα θέσθαι.<sup>50</sup> Maturavit ea res consilium Galbae iam pridem de adoptione secum et cum proximis agitantis.<sup>51</sup>

<sup>40</sup> *loc. cit.*

<sup>41</sup> *Galb.* 18 *ad init.*

<sup>42</sup> *Hist.* i. 7.

<sup>43</sup> *Galb.* 18, 7 and *Hist.* i. 5.

<sup>44</sup> *Galb.* 18, 11, *Hist.* i. 5.

<sup>45</sup> *Galb.* 18, 22.

<sup>46</sup> *Hist.* i. 8.

<sup>47</sup> *Galb.* 18, 26 and *Hist.* i. 9 *ad init.*

<sup>48</sup> *Galb.* 19, 3.

<sup>49</sup> *Hist.* i. 12.

<sup>50</sup> *Galb.* 19, 5.

<sup>51</sup> *Hist.* i. 12.

Both in this connexion mention the early life of Otho, his intimacy with Nero, and particularly his relations with Poppaea Sabina; <sup>52</sup> further, his quasi-exile as legate of Lusitania, his equitable administration of the province, <sup>53</sup> and the fact that he was the first to join Galba in Spain:—

ἀποστάντος δὲ Γάλβα πρῶτος      primus in partes transgres-  
αὐτὸς προσεχώρησε τῶν ἡγεμόνων.      sus.

Both again relate in almost identical language the attempted corruption of the cohort which attended Galba when he dined at Otho's house. <sup>54</sup> The support of Otho as a candidate for adoption by Vinus, and the projected marriage of the former with Vinus' daughter, are mentioned by Plutarch <sup>55</sup> and Tacitus, <sup>56</sup> while Plutarch arrives at the consulship of Galba and Vinus, with which Tacitus begins the "Histories," at the end of chap. 21.

In chap. 22 Plutarch relates the events leading to the proclamation of Vitellius by the German armies. The anger of the soldiers at the recall of Verginius <sup>57</sup> is mentioned in Tac. i. 8; the rewards given to the supporters of Vindex and the punishment inflicted on those who opposed him <sup>58</sup> are stated in i. 8 and 53. The throwing down of Galba's images on January 1, and the oath taken to the senate and Roman people <sup>59</sup> are similarly described in Tacitus. <sup>60</sup> The mention of Vitellius as πατὴρ τοῦ τιμητοῦ καὶ τρὶς ὑπάτου <sup>61</sup> is paralleled in Tac. i. 52 *ad fin.* The bringing of the news to Vitellius by the standard-bearer <sup>62</sup> is given in i. 56 in almost identical words, and the proclamation by Valens <sup>63</sup> in i. 57 *ad init.* The mid-day gluttony and drunkenness of Vitellius <sup>64</sup> is described in i. 62, and also his acceptance of the title of Germanicus and his refusal

<sup>52</sup> *Galb.* 19, 13, etc., *Hist.* i. 13, see note *ad loc.*

<sup>53</sup> *Galb.* 20, 3-6, *Hist.* i. 13 *ad fin.*

<sup>54</sup> *Galb.* 20, 26, *Hist.* i. 24. <sup>55</sup> *Galb.* 21, 2.

<sup>56</sup> *Hist.* i. 13. <sup>57</sup> line 5. <sup>58</sup> lines 6, 7. <sup>59</sup> lines 12-17.

<sup>60</sup> *Hist.* i. 55. <sup>61</sup> line 27. <sup>62</sup> line 35. <sup>63</sup> line 40.

<sup>64</sup> line 43.

of that of Caesar ; while both Plutarch and Tacitus use the same language in regard to the taking of the oath by the upper army :—

τοὺς καλοὺς ἐκείνους καὶ δημο- speciosis senatus populique  
κρατικοὺς εἰς σύγκλητον ὄρκους Romani nominibus relictis.<sup>65</sup>  
ἀφέντες.<sup>65</sup>

In what follows the accounts agree very closely together. The adoption of Piso is given in Plut. c. 23, 6 foll., and Tac. i. 14, the omens on the way to the camp,<sup>67</sup> the behaviour of Piso,<sup>68</sup> the discomposure of Otho,<sup>69</sup> his encouragement by astrologers,<sup>70</sup> the conspiracy of Onomastus, Veturius, and Barbius,<sup>71</sup> Galba's sacrifice on the Palatine,<sup>72</sup> the departure of Otho on the pretext of inspecting his newly bought house,<sup>73</sup> and his arrival at the aureum miliarium.<sup>74</sup>

Similar accounts follow of the proclamation of the twenty-three soldiers,<sup>75</sup> the hurry to the camp,<sup>76</sup> Otho's admission by Martialis,<sup>77</sup> the rumours brought to Galba,<sup>78</sup> the attempt of Piso to secure the cohort posted in the palace,<sup>79</sup> and the mission of Marius Celsus to the legionaries in the Porticus Vipsania.<sup>80</sup> Both authors proceed to mention the dispute between Vinus and Laco as to whether Galba should go forth or remain in the palace,<sup>81</sup> the rumour of Otho's death,<sup>82</sup> Galba's reproof to Iulius Atticus,<sup>83</sup> Galba's conveyance in the litter to the forum,<sup>84</sup> the contradictory advice given,<sup>85</sup> the throwing down of Galba's statue by Atilius Vergilio,<sup>86</sup> the murder of Galba at the Lacus Curtius,<sup>87</sup> his last words and the

<sup>65</sup> line 47. <sup>66</sup> *Hist.* i. 57.

<sup>67</sup> *Galb.* 23, 12 etc., *Hist.* i. 18.

<sup>68</sup> *Galb.* 23, 21, *Hist.* i. 17.

<sup>69</sup> *Galb.* 23, 25, *Hist.* i. 21.

<sup>70</sup> *Galb.* 23, 34, *Hist.* i. 22.

<sup>71</sup> *Galb.* 24, 1-4, *Hist.* i. 25.

<sup>72</sup> *Galb.* 24, 11, *Hist.* i. 47.

<sup>73</sup> *Galb.* 24, 22, *Hist.* i. 27.

<sup>74</sup> *Galb.* 24 *ad fin.*, *Hist.* i. 27.

<sup>75</sup> *Galb.* 25, 2, *Hist.* i. 27.

<sup>76</sup> *Galb.* 25, 12, *Hist.* i. 27.

<sup>77</sup> *Galb.* 25, 17, *Hist.* i. 28.

<sup>78</sup> *Galb.* 25, 23, *Hist.* i. 28.

<sup>79</sup> *Galb.* 25, 30, *Hist.* i. 29.

<sup>80</sup> *Galb.* 25, 32, *Hist.* i. 31.

<sup>81</sup> *Galb.* 26 *ad init.*, *Hist.* i. 32-33.

<sup>82</sup> *Galb.* 6, 4, *Hist.* i. 34.

<sup>83</sup> *Galb.* 26, 11, *Hist.* i. 35.

<sup>84</sup> *Galb.* 26, 16, *Hist.* i. 40.

<sup>85</sup> *Galb.* 26, 18, *Hist.* i. 39.

<sup>86</sup> *Galb.* 26, 27, *Hist.* i. 41.

<sup>87</sup> *Galb.* 27, 2, *Hist.* i. 41.

various reports as to the name of his murderer,<sup>88</sup> the murder of Piso,<sup>89</sup> of Vinus,<sup>90</sup> the 120 petitions found by Vitellius,<sup>91</sup> and the artifice by which Otho saved Marius Celsus from the soldiers.<sup>92</sup>

Then follow the convoking of the senate,<sup>93</sup> the conferment on Otho of the name of Augustus,<sup>94</sup> the surrender of the bodies of Vinus and Piso for burial,<sup>95</sup> the mutilation and final burial of Galba.<sup>96</sup>

Passing to the life of Otho we find a still closer correspondence between the two accounts. Both narrate the summons of Marius Celsus by Otho, the justification by the former of his own conduct and their reconciliation,<sup>97</sup> the arrangements made by Otho as to consulships and his conferment of priesthoods, etc.,<sup>98</sup> the restoration to the Neronian exiles of the remnants of their property,<sup>99</sup> the rejoicing of the people at the death of Tigellinus at Sinuessa.<sup>100</sup>

In both we have the title of Nero given to Otho, the restoration of the statues of Nero,<sup>101</sup> the mutiny of the 17th cohort from Ostia,<sup>102</sup> the banquet of Otho at Rome which it disturbed, the flight of his guests, his own fears, the despatch of the praetorian praefects to the soldiers, and the punishment of two ringleaders.<sup>103</sup>

After news of the Vitellian rising is brought, both mention the encouraging tidings from Pannonia and Moesia and also from Syria and Judaea,<sup>104</sup> the offers made by Otho to Vitellius and the bitter correspondence which followed,<sup>105</sup> various omens reported in Rome,<sup>106</sup> and in particular the inundation of the Tiber.<sup>107</sup>

<sup>88</sup> *Galb.* 27, 7, *Hist.* i. 41.

<sup>89</sup> *Galb.* 27, 22, *Hist.* i. 43.

<sup>90</sup> *Galb.* 27, 25, *Hist.* i. 42.

<sup>91</sup> *Galb.* 27, 35, *Hist.* i. 44.

<sup>92</sup> *Galb.* 27 *ad fin.* *Hist.* i. 45.

<sup>93</sup> *Galb.* 28, 1, *Hist.* i. 46.

<sup>94</sup> *Galb.* 28, 4, *Hist.* i. 47.

<sup>95</sup> *Galb.* 28, 7-8, *Hist.* i. 47.

<sup>96</sup> *Galb.* 28, 10, *Hist.* i. 49.

<sup>97</sup> *Oth.* 1, 2-10, *Hist.* i. 71.

<sup>98</sup> *Oth.* 1, 13 etc., *Hist.* i. 77.

<sup>99</sup> *Oth.* 1, 18, *Hist.* i. 90.

<sup>100</sup> *Oth.* 2, *Hist.* i. 72.

<sup>101</sup> *Oth.* 3, 3-7, *Hist.* i. 78.

<sup>102</sup> *Oth.* 3, 17 foll., *Hist.* i. 80.

<sup>103</sup> *Oth.* 3, 30 to end, *Hist.* i. 80-83.

<sup>104</sup> *Oth.* 4, 5-12, *Hist.* i. 76.

<sup>105</sup> *Oth.* 4, 13-21, *Hist.* i. 74.

<sup>106</sup> *Oth.* 4, 25, *Hist.* i. 86. <sup>107</sup> *ib. ib.*

The sequestration of Dolabella to Aquinum is mentioned by Plutarch,<sup>108</sup> and by Tacitus.<sup>109</sup> Both narrate how Otho ordered L. Vitellius and other senators to accompany him,<sup>110</sup> the appointment of Flavius Sabinus as praefectus urbi,<sup>111</sup> and the names of Otho's generals.<sup>112</sup>

After the actual commencement of the campaign we get parallel accounts of the insubordination of Spurrina's troops in Placentia,<sup>113</sup> of the taunts levelled at the praetorian cohorts by the Vitellians,<sup>114</sup> of the raising of the siege of Placentia,<sup>115</sup> of the dress and behaviour of Caecina and his wife,<sup>116</sup> of the rapacity and exactions of Valens,<sup>117</sup> of the blame attaching to Caecina for hurrying forward a battle.<sup>118</sup> Then follows the advance of Annius Gallus upon Cremona,<sup>119</sup> the ambush prepared by Caecina,<sup>120</sup> the battle near the temple of Castor and the delay of Paulinus,<sup>121</sup> the appointment of Titianus and Proculus to the chief command,<sup>122</sup> the insubordination of Valens' troops and his junction with Caecina.<sup>123</sup>

Both authors give the council of war at Bedriacum, the arguments of Paulinus for delay, the opinion of Titianus and Proculus for immediate action.<sup>124</sup> Both also mention Otho's own impatience and inability to bear the continued suspense,<sup>125</sup> and both allude though in a different way to the opinion that the project was entertained by the two armies of setting aside both Otho and Vitellius, and choosing or allowing the senate to choose some third candidate of better reputation.<sup>126</sup>

<sup>108</sup> *Oth.* 5, 3.      <sup>109</sup> *Hist.* i. 88.      <sup>110</sup> *Oth.* 5, 6, *Hist.* i. 88.

<sup>111</sup> *Oth.* 5, 12, *Hist.* i. 46.      <sup>112</sup> *Oth.* 5, 19, *Hist.* i. 87.

<sup>113</sup> *Oth.* 5, 36, *Hist.* ii. 18.      <sup>114</sup> *Oth.* 6, 5, *Hist.* ii. 21.

<sup>115</sup> *Oth.* 6, 14, *Hist.* ii. 22.      <sup>116</sup> *Oth.* 6, 21, *Hist.* ii. 20.

<sup>117</sup> *Oth.* 6, 27, *Hist.* i. 66.

<sup>118</sup> *Oth.* 6 *ad fin.*, *Hist.* ii. 24.

<sup>119</sup> *Oth.* 7, 4, *Hist.* ii. 23.

<sup>120</sup> *Oth.* 7, 9, *Hist.* ii. 24.

<sup>121</sup> *Oth.* 7, 12-20, *Hist.* ii. 25.

<sup>122</sup> *Oth.* 7, 29, *Hist.* ii. 39.

<sup>123</sup> *Oth.* 7 *ad fin.*, *Hist.* ii. 29 and 31.

<sup>124</sup> *Oth.* 8, *Hist.* ii. 32 and 33.

<sup>125</sup> *Oth.* 9, 7, *Hist.* ii. 40.

<sup>126</sup> *Oth.* 9, 14 foll., *Hist.* ii. 37 foll.

Both mention Otho's decision to return to Brixellum and comment on the mistaken policy of the act.<sup>127</sup>

Then follows an account of the battle between the Vitellians and Otho's gladiators on the Po,<sup>128</sup> of the unwise leading out and unskilful encampment of the Othonians,<sup>129</sup> of the opposition of Celsus and Paulinus and the imperative order of Otho to fight,<sup>130</sup> of the return of Caecina from the river and the first charge of the cavalry.<sup>131</sup>

Striking resemblances in the account of the battle itself are the mistaken salutation by the Othonians,<sup>132</sup> the confusion caused by the baggage and the numerous ditches,<sup>133</sup> the combat between the legions XXI Rapax and I Adjutrix,<sup>134</sup> the destruction of the gladiators,<sup>135</sup> and the fear of Paulinus and Proculus to enter the camp with the fugitives.<sup>136</sup>

Then, after some diversity in the accounts of the embassy sent by the Othonians,<sup>137</sup> both agree in the ultimate fusion of the armies,<sup>138</sup> in the news of the battle reaching Otho,<sup>139</sup> in the enthusiastic fidelity of the troops,<sup>140</sup> in his care for his friends' departure,<sup>141</sup> in his conversation with his nephew Cocceianus,<sup>142</sup> in his choice of a dagger after drinking some water,<sup>143</sup> in his distribution of money to his attendants,<sup>144</sup> in the manner of his death and the grief of the soldiers,<sup>145</sup> in

<sup>127</sup> *Oth.* 10, 1-6, *Hist.* ii. 33.

<sup>128</sup> *Oth.* 10, 7 foll., *Hist.* ii. 34 and 35.

<sup>129</sup> *Oth.* 11, 1-8, *Hist.* ii. 39.

<sup>130</sup> *Oth.* 11, 9-18, *Hist.* ii. 40.

<sup>131</sup> *Oth.* 11 *ad fin.*, *Hist.* ii. 41.

<sup>132</sup> *Oth.* 12, 4, *Hist.* ii. 42.

<sup>133</sup> *Oth.* 12, 11-15, *Hist.* ii. 41.

<sup>134</sup> *Oth.* 12, 17 foll., *Hist.* ii. 43.

<sup>135</sup> *Oth.* 12, 26, *Hist.* ii. 43.

<sup>136</sup> *Oth.* 13, 1, *Hist.* ii. 44.

<sup>138</sup> *Oth.* 13 *ad fin.*, *Hist.* ii. 45.

<sup>139</sup> *Oth.* 15, 1, *Hist.* ii. 46.

<sup>140</sup> *Oth.* 15, 4 foll., *Hist.* ii. 46.

<sup>141</sup> *Oth.* 16, 3 foll., *Hist.* ii. 48.

<sup>142</sup> *Oth.* 16, 8 foll., *Hist.* ii. 45.

<sup>143</sup> *Oth.* 17, 1-3, *Hist.* ii. 49.

<sup>144</sup> *Oth.* 17, 6, *Hist.* ii. 48.

<sup>145</sup> *Oth.* 17, 18 foll., *Hist.* ii. 49.

<sup>137</sup> See below, p. 315.



the modest character of his tomb,<sup>146</sup> and finally in the application of the soldiers to Verginius Rufus to accept the empire or at least to act as their ambassador.<sup>147</sup>

It will be apparent at once from this comparison that we have a very remarkable correspondence between the two narratives to account for. That there was some definite and close relationship between the two is clear, since it is quite inconceivable that two writers working independently of one another, and using different authorities, could have produced accounts so similar. Various theories have been put forward to account for this similarity, which could not but strike even the most careless reader of both. That Tacitus made use of Plutarch's account in the composition of his "Histories" has naturally occurred to no one, and the very statement of a suggestion so improbable is sufficient to discredit it; but the converse supposition that Plutarch had the account of Tacitus before him has in it nothing *à priori* impossible, and it is probably the first explanation which would suggest itself. This view has accordingly not been without its supporters,<sup>148</sup> and it is adopted by Nipperdey in the Introduction to his admirable edition of the "Annals."<sup>149</sup> By most scholars however this view is no longer regarded as tenable, and therefore the only alternative is to suppose that both Plutarch and Tacitus independently made use of the same authority or authorities for their histories. The question, however, as to what this authority was has been answered in several ways. According to one view,<sup>150</sup> it was the "acta diurna" to which Tacitus frequently refers in the "Annals,"<sup>151</sup> and of which he says, "Diurna populi Romani per provincias per exercitus curatius leguntur." This view however rests on a misunderstanding

<sup>146</sup> *Oth.* 18, 3, *Hist.* ii. 49.

<sup>147</sup> *Oth.* 18 ad fin., *Hist.* ii. 51.

<sup>148</sup> See Clason *Plutarch und Tacitus*, 1870.

<sup>149</sup> P. 29, ed. 1879.

<sup>150</sup> Hirzel, *Comparatio eorum quae de imperatore Galba et Othone relata legimus apud Tacitum, Suetonium, Plutarchum*, etc. 1851.

<sup>151</sup> *Conf.* iii. 3, xii. 24, xiii. 31, xvi. 22.

of what the "acta diurna" were, and what they contained. Consisting merely in summary notices of the principal events in Rome, and the proceedings in the senate, they could never account for the similarity of continuous histories, for repeated instances of verbal identity, and for close correspondence in the delineation of character such as we have here to deal with, while it would be no less than miraculous for Tacitus and Plutarch independently to have chosen out of the very miscellaneous bits of news which the "acta" contained, precisely the same portions and in most cases in the same order. According to others, the common authority used was Cluvius Rufus,<sup>152</sup> whom Tacitus quotes several times in the "Annals," and to whom Plutarch refers in "Oth." c. 3. Still a different view is that both used the "Histories" of the Elder Pliny,<sup>153</sup> while, lastly, a good deal of ingenuity has been expended to show that while Tacitus used Pliny, Plutarch used both Pliny and Cluvius.<sup>154</sup>

Against the view that Plutarch made use of the "Histories" of Tacitus there is both external and internal evidence which seems to me conclusive. In the first place, in all probability Plutarch wrote these "Lives" before the "Histories" were published. The "Histories" of Tacitus were probably, as Nipperdey supposes, published in instalments, and no doubt Books I-II appeared together. Mommsen holds,<sup>155</sup> and his view is generally accepted, that the two books were either published, or at any rate communicated to friends, about 105 or 106 A.D. They were certainly not begun when the "Agricola" was published in 97 A.D.<sup>156</sup> In the first four books of his "Letters" too, i.e. up to 105 A.D., Pliny, though he several times speaks of Tacitus, always does so as of a famous orator; it is not till the sixth book, published in 106 or 107, that

<sup>152</sup> H. Peter, *Die Quellen Plutarchs*, and more recently Mommsen in *Hermes*, iv., p. 295 foll.

<sup>153</sup> Nissen, *Rheinisches Museum*, xxvi. 497 foll.

<sup>154</sup> Th. Weidemann, de *Tacito, Suetonio, Plutarcho, Cassio Dione, scriptoribus imperatorum Galbae et Othonis*.

<sup>155</sup> *Hermes*, iii., p. 107. <sup>156</sup> *Agric.* c. 3.

he makes any reference to his historical studies, and at that time Tacitus is collecting materials for the reign of Titus.<sup>157</sup> We may assume therefore that the first books of the "Historiæ" were not published earlier than 105 or 106 A.D. Now how does the case stand with Plutarch? We know from passages in his own writings that he was a young man when Nero passed through Delphi in 66 A.D.,<sup>158</sup> that he was on one occasion at Rome during Vespasian's reign,<sup>159</sup> that he remembered the famous eruption of Vesuvius,<sup>160</sup> and also the wintering of some emperor on the Danube.<sup>161</sup> From this it appears that he was born about 46 A.D. and lived on into Trajan's reign. His literary activity however must certainly have begun earlier than this, since he was already about fifty-one at the time of Nerva's death. With this the notice in Suidas agrees which puts his literary activity ἐπὶ τῶν Τραιανοῦ χρόνων καὶ ἔτι πρόσθεν. The Parallel Lives were probably written under Trajan. An allusion appears to be made to the death of Domitian in "Vit. Num." 19, and "Vit. Poplicæ" 15, while in "Vit. Sull" 21 he says that the capture of Athens by Sulla took place nearly 200 years ago, which would seem to show that this Life was written shortly before 114 A.D. But as has been already pointed out, the Lives of Galba and Otho are not biographies in the same sense as the rest. In the first place it may be regarded as certain that there were no Greek parallels to them, nor are the accounts of Galba and Otho separated from one another by any distinct line, since all that is said of Otho's earlier career comes in cap. 19 of "Galba," and cap. 1 of "Otho" is a mere continuation of the events narrated in cap. 28 of "Galba." But if they were not separated from one another, neither to all appearance were they separated from what had preceded them, viz., the account of Nero, nor from what

<sup>157</sup> *Ep.* v. 16.

<sup>158</sup> *de Ei apud Delphos*, 1 and 17.

<sup>159</sup> *de sollert. anim.* 19.

<sup>160</sup> *de Pyth. orac.* 9.

<sup>161</sup> *de princ. frig.* ὡς ἱστοροῦσιν οἱ νῦν μετὰ τοῦ Καίσαρος ἐπὶ τοῦ Ἰστρου διαχειμίσαντες, which probably refers to Trajan in the winter of 97-98 A.D.

followed, that of Vitellius. For there is a backward reference in "Galb." 2, ὥσπερ εἴρηται, and a forward reference in "Oth." 18, τὰ μὲν οἶν ἄλλα καιρὸν οἰκεῖσι ἔχει λεχθῆναι. Again, they cannot be called biographies, because they give next to no account of the earlier lives of Galba and Otho. Galba's career up to his election as emperor is contained in one short chapter (cap. 3), while of Otho's earlier history we learn absolutely nothing except the notorious incident in connexion with Poppaea and that, as already stated, under the account of Galba. Again, biography, as Plutarch understood it, had a moral much more than an historical end in view : facts yielded in importance to moral lessons, and chronological order to artistic symmetry. But in the Lives before us, with the exception of the first two chapters of "Galba," we have practically no moralising at all : the events are narrated as historical events and in strictly chronological order. In all these respects then there is a striking contrast to the Parallel Lives. These are each of them artistically rounded off into a complete whole ; the early history and origin of each character is usually given as fully as Plutarch's materials allowed, moral reflections are conspicuous and abundant, and the narrative is not hampered by strict adherence to chronological sequence. But the Parallel Lives represent Plutarch's style and manner in its greatest maturity and perfection. He consciously and of set purpose subordinated mere history to moral portraiture, and the method of paralleling Roman and Greek Lives was an essential part of his plan. When therefore we find two Lives without Greek parallels, with scarcely a trace of moralising tendencies, full of facts arranged in chronological order, with no symmetry of arrangement, and we may add, as will be shown later on, in great measure a mere Greek reproduction of a Latin original, we must, I think, infer that they belonged to a different stage of Plutarch's literary history from the Parallel Lives, and to an earlier, not a later one. Another line of argument leads to the same result. According to the Catalogue of Lamprias, Plutarch carried up his imperial history as far as Vitellius,

but not further. Now, if he had written it under Trajan, there could have been no more reason why he should have refrained from proceeding to the Flavian emperors, during whose period he was certainly in Italy on several occasions, than there was in the case of Tacitus and Suetonius. If, on the other hand, he wrote while Domitian was still alive, there is an easily intelligible reason why he should have deemed it expedient to stop short at the death of Vitellius. External evidence therefore, as far as it goes, seems to point to the conclusion that since Plutarch probably wrote these Lives before the "Histories" of Tacitus were published, he could not have used them as his authority. This conclusion is confirmed beyond all doubt by internal evidence, since a careful examination shows that a number of points omitted by Tacitus are added by Plutarch, that in many others discrepancies are evident between the two versions in some of which Plutarch appears to be the better guide of the two. The following list of cases, though probably not absolutely complete, contains almost all, and certainly all of any importance:—

1. Plutarch<sup>162</sup> says that Vindex committed suicide (Ὁνίνδικος ἑαυτὸν ἀνέκλυτος. Tacitus knows nothing of this, and implies that he was killed in the battle.<sup>163</sup>

2. Plutarch says that the classarii drew their swords and were in consequence charged by Galba's cavalry.<sup>164</sup> Tacitus says that they were "inermes."<sup>165</sup>

3. Plutarch tells the story about Canus the flute-player, which is not found in Tacitus.<sup>166</sup>

4. Plutarch in mentioning the recall of the Neronian grants adds an important point omitted by Tacitus, viz., that if the original grantees had sold the property it was to be exacted from the purchasers.<sup>167</sup>

5. He also mentions the execution by Galba of Helius, Polyclitus, Petronius, and Patrobius, about which Tacitus is silent; <sup>168</sup>

6. also the bribing of Vinus by Tigellinus; <sup>169</sup>

7. and the edict of Galba by which he rebuked the eagerness

<sup>162</sup> G. 6, 19.

<sup>163</sup> Hist. i. 51, caeso cum omnibus copiis Iulio Vindice.

<sup>164</sup> G. 15, 31. <sup>165</sup> Hist. i. 6. <sup>166</sup> G. 16, 3.

<sup>167</sup> G. 16, 14; conf. Hist. i. 20. <sup>168</sup> G. 17, 5 foll.

<sup>169</sup> G. 17, 10.

of the populace for the death of Tigellinus,<sup>170</sup> both being points omitted by Tacitus.

8. Tacitus does not mention the suspicion that the Gauls who had sided with Vindex bought the rewards which they received from Vinus.<sup>171</sup>

9. He also omits the story told by Plutarch<sup>172</sup> that the German legions added to the oath of allegiance to Galba the words, "If he proves worthy."

10. Plutarch alone mentions the fact that Poppaea had been the wife of Crispinus,<sup>173</sup> and

11. that she actually married Otho.<sup>174</sup>

12. He alone says that Seneca was a friend of Otho and that by his advice he was sent to Lusitania.<sup>175</sup>

13. He mentions and Tacitus omits the gold and silver in cups and tables which Otho gave to Galba for coining on joining him.<sup>176</sup>

14. While Tacitus says that it was Maevius Pudens who gave the present to the cohort on guard,<sup>177</sup> Plutarch says that it was Otho himself.<sup>178</sup>

15. Plutarch alone mentions the amount of Otho's debts;<sup>179</sup>

16. and the fact that Galba had honours paid to Vindex after his death.<sup>180</sup>

17. Plutarch gives the speech of some soldier in the Upper German army, advising the legion to turn to Vitellius,<sup>181</sup> whereas Tacitus says expressly "Non tamen quisquam in modum conitionis aut pro suggestu locutus"<sup>182</sup>

18. Plutarch says that Galba proceeded to adopt Piso after hearing of the proclamation of Vitellius.<sup>183</sup> Tacitus, on the other hand says that it was "post nuntios Germanicae seditionis, quamquam nihil adhuc de Vitellio certum."<sup>184</sup>

19. Plutarch alone mentions that Dolabella was thought of as one of the candidates for adoption.<sup>185</sup>

20. Plutarch says that Galba suddenly, *μηδὲν προειπὼν*, sent for Piso.<sup>186</sup> Tacitus says that it was after a consultation with Vinus, Laco, Marius Celsus, and Ducenius Geminus.<sup>187</sup>

21. Plutarch alone mentions the fact that Nero had killed Piso's parents.<sup>188</sup> For the inaccuracy of the statement see note p. 118 of my edition of *Plutarch's Galba and Otho*.

22. He is also the sole authority for the statement that Otho was supported by the disappointed adherents of Tigellinus and Nymphidius.<sup>189</sup>

<sup>170</sup> G. 17, 21.

<sup>171</sup> G. 18, 4.

<sup>172</sup> G. 18 *ad fin.*

<sup>173</sup> G. 19 14.

<sup>174</sup> G. 19, 27.

<sup>175</sup> G. 20, 1.

<sup>176</sup> G. 20, 8.

<sup>177</sup> *Hist.* i. 24.

<sup>178</sup> G. 20 *ad fin.*

<sup>179</sup> G. 21, 11.

<sup>180</sup> G. 22, 9.

<sup>181</sup> G. 22, 21 etc.

<sup>182</sup> *Hist.* i. 55.

<sup>183</sup> G. 23, 1.

<sup>184</sup> *Hist.* i. 14.

<sup>185</sup> G. 23, 4.

<sup>186</sup> G. 23, 6.

<sup>187</sup> *Hist.* i. 14.

<sup>188</sup> G. 23, 8.

<sup>189</sup> G. 23 *ad fin.*



23. In connexion with the sacrifice offered by Galba, Plutarch says it was ἐν Παλατίῳ<sup>190</sup>; Tacitus that it was "pro aede Apollinis."<sup>191</sup> Plutarch also says that this happened ἔωθεν, which Tacitus omits.

24. Plutarch alone mentions Otho's change of colour on hearing the report of Umbricius the haruspex;<sup>192</sup>

25. and his exclamation while being borne to the praetorian camp that he was ruined;<sup>193</sup>

26. also that Vinius and Laco and some freedmen drew their swords to protect Galba.<sup>194</sup>

27. He alone gives the answer of Iulius Atticus to the question of Galba τίς σε ἐλέλευσε;<sup>195</sup>

28. and mentions that Galba left the palace τῷ τε Δῖλ θῶσαι καὶ φανῆναι τοῖς πολίταις βουλόμενος.<sup>196</sup>

29. He alone mentions Otho's cavalry appearing through the Basilica Pauli.<sup>197</sup>

30. According to Plutarch Sempronius Densus defended Galba;<sup>198</sup> according to Tacitus, Piso.<sup>199</sup>

31. Plutarch adds the name of Fabrius Fabullus to those mentioned by Tacitus<sup>200</sup> as accredited with the murder of Galba.<sup>201</sup>

32. Plutarch adds certain disagreeable details in connexion with the treatment of Galba's head by the soldiers, which Tacitus omits.<sup>202</sup>

33. Plutarch alone gives the words of Otho on seeing Galba's head.<sup>203</sup>

34. Plutarch adds to the account of Tacitus<sup>204</sup> about the release of Celsus from the soldiers, that Otho pretended that he wished to get some information from him before his execution.<sup>205</sup>

35. He alone mentions the sum paid by Crispina for the head of Vinius, her father;<sup>206</sup>

36. and mentions the Sessorium as the place where Galba's head was thrown.<sup>207</sup>

37. He alone mentions the part taken by Helvidius Priscus in burying the body of Galba.<sup>208</sup>

38. He alone mentions the request of Tigellinus that he might have time given him to shave his beard.<sup>209</sup>

39. He mentions, while Tacitus omits, the report given on the authority of Cluvius Rufus that the Spanish diplomata were inscribed "Nero Otho."<sup>210</sup>

40. Plutarch represents the mutiny of the 17th cohort as

<sup>190</sup> G. 24, 12.

<sup>191</sup> Hist. i. 27.

<sup>192</sup> G. 24, 21.

<sup>193</sup> G. 25, 9.

<sup>194</sup> G. 25, 30.

<sup>195</sup> G. 26, 11.

<sup>196</sup> G. 26, 14.

<sup>197</sup> G. 26, 23.

<sup>198</sup> G. 26, 33 etc.

<sup>199</sup> Hist. i. 43.

<sup>200</sup> Hist. i. 41.

<sup>201</sup> G. 27, 10.

<sup>202</sup> G. 27, 11.

<sup>203</sup> G. 27, 20.

<sup>204</sup> Hist. i. 71.

<sup>205</sup> G. 27 ad fin.

<sup>206</sup> G. 28, 8.

<sup>207</sup> G. 28, 13.

<sup>208</sup> G. 28 ad fin.

<sup>209</sup> O. 2, 17.

<sup>210</sup> O. 3, 8.

originating at Ostia.<sup>211</sup> Tacitus' account implies that it happened in the praetorian camp at Rome.

41. Plutarch gives the number of senators who were feasting with Otho at the time.<sup>212</sup>

42. Plutarch makes the scarcity caused by the inundation intelligible by mentioning, what Tacitus omits, that the part of the city where the corn was stored was flooded.<sup>213</sup>

43. Plutarch alone says that Dolabella was sent to Aquinum, partly because he was suspected by the praetorian cohorts.<sup>214</sup>

44. According to Plutarch,<sup>215</sup> Flavius Sabinus was made praefectus urbi just before the departure of Otho. According to Tacitus he was created (and by the soldiers themselves) immediately after Galba's death.<sup>216</sup>

45. According to Plutarch Otho remained behind at the time at Brixellum.<sup>217</sup> Tacitus does not mention this, and in fact implies that he went to Brixellum for the first time after the council of war.<sup>218</sup>

46. Tacitus omits the incident told by Plutarch that Spurrinna's soldiers asked for their viaticum in order that they might go to Otho and accuse their general.<sup>219</sup>

47. According to Plutarch Spurrinna's soldiers returned to their obedience owing to the taunts of the Vitellians;<sup>220</sup> according to Tacitus it was the unwonted labour of making a camp, and the representation of the veterans as to the dangers of remaining in the open plain.<sup>221</sup>

48. Plutarch represents Cremona as being on the Othonian side and threatened by the Vitellians.<sup>222</sup> Tacitus clearly implies that it already had been occupied by the Vitellians.<sup>223</sup>

49. Plutarch gives one reason for Otho's hurry to fight on the authority of Secundus, Otho's secretary.<sup>224</sup> Tacitus does not mention his name, though he also gives the reason.<sup>225</sup>

50. The mention of Marius and Sulla, Pompeius and Caesar, in connexion with the reported desire of both armies to come to terms without fighting is brought in quite differently by Plutarch<sup>226</sup> and Tacitus.<sup>227</sup>

51. Plutarch mentions the sending of fire-ships against Caecina's bridge by the Othonians,<sup>228</sup> which Tacitus altogether omits.<sup>229</sup>

52. Plutarch represents the Germans as the attacking party in the battle on the island;<sup>230</sup> Tacitus the gladiators.<sup>231</sup>

53. Plutarch says that Proculus led the Othonians out fifty stades from Bedriacum.<sup>232</sup> Tacitus says four miles.<sup>233</sup>

<sup>211</sup> O. 3, 19, etc.

<sup>212</sup> O. 3, 31.

<sup>213</sup> O. 4 *ad fin.*, conf. *Hist.* i. 86.

<sup>214</sup> O. 5, 4.

<sup>215</sup> O. 5, II.

<sup>216</sup> *Hist.* i. 46.

<sup>217</sup> O. 5, 16.

<sup>218</sup> *Hist.* ii. 33.

<sup>219</sup> O. 5 *ad fin.*

<sup>220</sup> O. 6, 1.

<sup>221</sup> *Hist.* ii. 19.

<sup>222</sup> O. 7, 4.

<sup>223</sup> *Hist.* ii. 18, and 23.

<sup>224</sup> O. 9, 13.

<sup>225</sup> *Hist.* ii. 40.

<sup>226</sup> O. 9, 25, etc.

<sup>227</sup> *Hist.* ii. 38.

<sup>228</sup> O. 10, II.

<sup>229</sup> *Hist.* ii. 34.

<sup>230</sup> O. 10, 18.

<sup>231</sup> *Hist.* ii. 35.

<sup>232</sup> O. 11, 4.

<sup>233</sup> *Hist.* ii. 39.

54. The distance to be traversed by the Othonians on the next day in order to reach the enemy is given by Plutarch at 100 stades,<sup>234</sup> by Tacitus as thirteen miles.<sup>235</sup>

55. Tacitus says that the band of gladiators were cut to pieces by the Batavian cohorts during their actual passage of the river.<sup>236</sup> Plutarch says that they had crossed in safety, were then defeated, and driven back to the river and there killed.<sup>237</sup>

56. According to Plutarch Annius Gallus consoled the defeated troops, reminding them that in parts of the battle they had been victorious.<sup>238</sup> Tacitus omits this.

57. Plutarch represents Marius Celsus as assuring the soldiers that Otho would never wish them to resist further, etc.,<sup>239</sup> sentiments which Tacitus puts into the mouth of Otho himself.<sup>240</sup>

58. Plutarch narrates how Celsus and Gallus personally went as ambassadors to Caecina and Valens, and describes their journey and the reception they met with.<sup>241</sup> Tacitus omits all this.

59. Plutarch says that during their absence Titianus changed his mind and again manned the walls of Bedriacum.<sup>242</sup> Tacitus says nothing of this.

60. Plutarch says that one of Otho's soldiers in his enthusiasm killed himself, exclaiming "Know, Caesar, that all are determined thus to die in your behalf!"<sup>243</sup> Tacitus omits this.

61. Otho's speech is given quite differently in Plutarch,<sup>244</sup> and Tacitus.<sup>245</sup>

62. Plutarch says that Otho had intended to adopt his nephew Cocceianus.<sup>246</sup> Tacitus is silent on this.

63. Plutarch says that Otho put one of the daggers in his bosom,<sup>247</sup> Tacitus that he put it under his pillow.<sup>248</sup>

64. According to Tacitus no one saw Otho alive after he finally retired to rest.<sup>249</sup> According to Plutarch he woke up at dawn and told his freedman to show himself to the soldiers lest he should be suspected of having murdered his master.<sup>250</sup>

65. Tacitus does not say, as Plutarch does,<sup>251</sup> that after Otho's death Plotius Firmius, the other praetorian praefect,<sup>252</sup> ordered the soldiers to take the oath to Vitellius.

To these particular instances of divergence from and consequent independence of Tacitus must be added the point already alluded to that the first half of the life of Galba containing his negotiations with Vindex, his

<sup>234</sup> *O.* II, 10.      <sup>235</sup> *Hist.* ii. 40.

<sup>236</sup> *Hist.* ii. 43.      <sup>237</sup> *O.* 12, 38.      <sup>238</sup> *O.* 13, 6.      <sup>239</sup> *O.* 13, 9 foll.

<sup>240</sup> *Hist.* ii. 47.      <sup>241</sup> *O.* 13, 22 foll.      <sup>242</sup> *O.* 13, 40.

<sup>243</sup> *O.* 15, 17.      <sup>244</sup> *O.* 15, 21 foll.      <sup>245</sup> *Hist.* ii. 47.

<sup>246</sup> *O.* 16, 12.      <sup>247</sup> *O.* 17, 4.      <sup>248</sup> *Hist.* ii. 49.      <sup>249</sup> *Hist.* ii. 49.

<sup>250</sup> *O.* 17, 15.      <sup>251</sup> *O.* 18, 12.      <sup>252</sup> the MSS. have Pollio.

proclamation as emperor in Spain, his march to Rome, and the insurrection of Nymphidius Sabinus in Rome, must necessarily have come from some other authority than Tacitus, for the simple reason that all these events happened in 68, and Tacitus begins his "Histories" with January 1, 69. Since therefore both external and internal evidence forbid us to suppose that Plutarch borrowed his account from Tacitus, and since the resemblances are too great to be the result of accident, our only alternative is to ascribe them to the employment by both historians of a common authority.

But it is asserted by some that Plutarch and Tacitus, so far from using some one common authority used several sources, and in defence of this assertion there are cited such expressions in Plutarch as (1) εἴτε ὥς φασιν ἔνιοι . . . εἴτε; <sup>253</sup> (2) εἴτε . . . εἴτε ὥς φασιν ἔνιοι; <sup>254</sup> (3) τότε δὲ φασιν; <sup>255</sup> (4) ὥς φασι; <sup>256</sup> (5) ἀπέσφαξε δὲ αὐτὸν ὥς οἱ πλεῖστοι λέγουσι, Καμοῦριος τις . . . ἔνιοι δὲ Τερέντιον, οἱ δὲ Λεκάνιον; <sup>257</sup> (6) ὃ φασι συμβῆναι; <sup>258</sup> (7) οἱ δὲ τὸν Κεκίαν αἰτιῶνται; <sup>259</sup> (8) ἐτέρων δὲ ἦν ἀκούειν ὅτι κ.τ.λ. <sup>260</sup> Now of these cases (2) evidently refers not to two accounts but to two explanations which occur to Plutarch himself, and which he expresses in this way, just as similarly (3), (4), (6), merely show that Plutarch ascribes these incidents in the last resort to common report; (5), (7), and (8) alone seem of any importance, and these at once receive their explanation by turning to the corresponding passages of Tacitus. Thus with (5) compare *Hist.* i. 41, "quidam Terentium evocatum, alii Lecanium, crebrior fama tradidit Camurium," etc. With (7) compare *Hist.* ii. 24 and ii. 30, and with (8) compare *Hist.* ii. 37, "invenio apud quosdam auctores," etc. From this it appears that in just those passages which seem to give the strongest evidence of several authorities having been used, Tacitus in almost the same words refers apparently to several authorities also. The obvious inference from this is that in both

<sup>253</sup> *G.* 14, 25.

<sup>254</sup> *Ib.* 19, 32.

<sup>255</sup> *Ib.* 22, 42.

<sup>256</sup> *Ib.* 25, 17.

<sup>257</sup> *Ib.* 27, 7.

<sup>258</sup> *O.* 4, 32.

<sup>259</sup> *Ib.* 6, 31.

<sup>260</sup> *Ib.* 9, 14.

cases the double references were not from the authorities cited themselves, but from some common source used by Plutarch and Tacitus, who have so cited them. To the same category may be added the reference to the rhetorician Secundus in "Oth." 9, 13, in which case Tacitus mentions the same report, though without a reference to its author.<sup>261</sup> Now the report of Secundus was evidently an oral not a written report (*διηγήτρο*). But to whom was it made? Not to Plutarch or he would have said so, as he does in the case of Mestrius Florus,<sup>262</sup> and besides it would be too wonderful a coincidence that Secundus should have mentioned this same point both to Plutarch and Tacitus. Clearly, therefore, he made the report to the common authority of both, and both use it, though only Plutarch repeats its source. There is, therefore, as far as internal evidence goes, no reason to think that Plutarch used a plurality of authorities. That it was not his custom to do so in the "Lives" has been very conclusively shown by H. Peter,<sup>263</sup> who by an exhaustive analysis establishes the point that, wherever it was at all practicable, Plutarch uses one authority only for each of his "Lives," and there is nothing in those of Galba and Otho which on examination proves to be inconsistent with this conclusion.

But when we assert that Plutarch and Tacitus used a common authority, it is not merely meant that they took from it the general course of their narratives, their facts, and even the delineation of character. So much appears clearly from the general comparison of the two which has been already given. The resemblance is in many cases even closer than this alone implies, and we have no hesitation in asserting that the employment of this authority often amounted to what is practically a literal and almost word-for-word translation. The justification for this assertion will be found in the following list of parallel passages, which might probably be added to, but which, as it stands, sufficiently speaks for itself:—

<sup>261</sup> *Hist.* ii. 40.<sup>262</sup> *O.* 14.<sup>263</sup> *Die Quellen Plutarchs.*

## PLUTARCH.

G. 12, 10. Δειπνῶν δὲ παρὰ Κλαυδίῳ Καίσαρι ποτήριον ἀργυροῦν ὑφείλετο· πυθόμενος δὲ ὁ Καίσαρ τῇ ὑστεραῇ πάλιν αὐτὸν ἐπὶ δεῖπνον ἐκάλεσεν, ἐλθόντι δὲ ἐκέλευσεν ἐκείνῳ μηδὲν ἀργυροῦν, ἀλλὰ κεράμεια πάντα προσφέρειν.

G. 15, 5. ἔδοξε μὴ νομίμως εἰ καὶ δικαίως μηδὲ δημοτικῶς ἀνηρηκέναι πρὸ κρίσεως ἄνδρας οὐκ ἀσήμους.

G. 15, 32. Ὑπέστη δὲ οὐδεὶς ἐκείνων, ἀλλ' οἱ μὲν εὐθὺς ἀνατραπέντες, οἱ δὲ φεύγοντες διεφθάρησαν, οὐ χρηστὸν οὐδὲ αἰσιον ποιοῦντες τῷ Γάλβᾳ τὸν οἰωνὸν εἰσιόντι διὰ πολλοῦ φόνου καὶ νεκρῶν τοσοῦτων εἰς τὴν πόλιν.

G. 17, 14. ὁ δὲ ποιήσας ἀξιὸν θανάτου Νέρωνα καὶ γενόμενον τοιοῦτον ἐγκαταλιπὼν καὶ προδοῖς—

G. 18, 10. ἀφήκε φωνὴν ἡγεμόνι μεγάλῃ πρέπουσαν, εἰπὼν εἰωθέναι καταλέγειν στρατιώτας, οὐκ ἀγοράζειν.

G. 18, 25. Αὐτὸν δὲ τὸν Φλάκκον ὑπὸ συντόνου ποδάγρας ἀδύνατον ὄντα τῷ σώματι καὶ πραγμάτων ἀπειρον ἐν οὐδενὶ λόγῳ τὸ παράπαν ἐποιοῦντο.

G. 20, 26. Ὅσακις δὲ τὸν Γάλβαν εἰστία, τὴν παραφυλάττουσαν αἰεὶ σπείραν ἐδέκαζε χρυσοῦν ἐκάστῳ διανέμων.

G. 22, 34. εἰς ὑπεξελλῶν σημαιοφόρος ἀπηγγεῖλε τῷ Οὐίτελλῳ νυκτὸς ἐστιωμένων πολλῶν παρ' αὐτῷ.

G. 22, 45. Εὐθὺς δὲ τὸ μετὰ Φλάκκου στράτευμα τοὺς καλοὺς ἐκείνους καὶ δημοκρατικούς εἰς σύγκλητον ὄρκους ἀφέντες—

## TACITUS.

i. 48. Servili deinceps probro respersus est, tanquam scyphum aureum in convivio Claudii furatus, et Claudius postera die soli omnium Vinio fictilibus ministrari iussit.

i. 6. Ille, ut Nymphidii socius, hic ut dux Neronis, inauditi atque indefensi, tanquam innocentes, perierant.

i. 6. Introitus in urbem trucidatis tot milibus inermium militum infaustus omine atque ipsis etiam qui occiderant formidolosus.

i. 72. Corrupto ad omne facinus Nerone . . . ac postremo eiusdem desertor ac proditor.

i. 5. Accessit Galbae vox pro re publica honesta, ipsi anceps, legi a se militem, non emi.

i. 9. Superior exercitus legatum Hordeonium Flaccum spernebat, senecta ac debilitate pedum invalidum, sine constantia, sine auctoritate.

i. 24. Ut per speciem convivii, quotiens Galba apud Othonem epularetur, cohorti excubias agenti viritim centenos nummos divideret.

i. 56. Nocte . . . in coloniam Agrippinensem aquilifer quartae legionis epulanti Vitellio nuntiat, etc.

i. 57. Superior exercitus speciosis senatus populi que Romani nominibus relictis . . . Vitellio accessit.



## PLUTARCH.

## TACITUS.

G. 24, 25. Ελπὼν οὖν, διὰ παλαιὰν ἐωνημένος οἰκίαν βούλεται τὰ ὑποπτα δεῖξαι τοῖς πωληταῖς, ἀπῆλθε, καὶ διὰ τῆς Τιβερίου καλουμένης οἰκίας καταβάς ἐράδιζεν εἰς ἀγοράν, οὗ χρυσοῦς εἰσθήκει κίον.

G. 25, 3. Διὸ, καίπερ οὐ κατὰ τὴν τοῦ σώματος μαλακίαν καὶ θηλότητα τῇ ψυχῇ διατεθρυμμένος.

G. 25, 16. Τῶν δὲ χιλιάρχων ὁ τὴν φυλακὴν ἔχων τοῦ στρατοπέδου Μαρτιάλης, ὥς φασι, μὴ συνειδώς, ἐκπλαγεὶς δὲ τῷ ἀπροσδοκῆτῳ καὶ φοβηθεὶς ἐφῆκεν εἰσελθεῖν.

G. 26, 5. καὶ μετὰ μικρὸν ὤφθη Ἰούλιος Ἀττικός τῶν οὐκ ἀσήμεων ἐν τοῖς δορυφόροις στρατευόμενος . . . βῶν ἀνῆρηκέναι τὸν Καίσαρος πολέμιον . . . ἔδειξε τῷ Γάλβᾳ τὸ ξίφος ἡμαγμένον. Ὁ δὲ βλέψας πρὸς αὐτὸν "Τίς σε" εἶπεν "ἐκέλευσε ;"

G. 26, 20. τοῦ φορέλου καθάπερ ἐν κλύδωνι, δεῦρο κάκει διαφερομένου καὶ πυκνὸν ἀπονέοντος—

G. 27, 3. Ὁ δὲ τὴν σφαγὴν προτείνας "Δράτε" εἶπεν "εἰ τοῦτο τῷ δήμῳ Ῥωμαίων ἄμεινόν ἐστι."

G. 27, 7. ἀπέσφαξε δὲ αὐτόν, ὥς οἱ πλείστοι λέγουσι, Καμούριός τις ἐκ τοῦ πεντεκαίδεκάτου τάγματος. Ἐνιοὶ δὲ Τερέντιον, οἱ δὲ Λεκάνιον ἱστοροῦσιν, οἱ δὲ Φάβιον Φάβουλον

G. 27, 35. Ἐλκοσι γοῦν καὶ ἑκατὸν εὐρέθησαν ὕστερον ἐκ τῶν γραμματίων, οὓς ὁ Οὐιτέλλιος ἀναζητήσας ἀπαντας ἀπέκτεινεν.

i. 27. Otho causam digressus requirentibus cum emi sibi praedia vetustate suspecta eoque prius exploranda finxisset, . . . per Tiberianam domum in Velabrum, inde ad miliarium aureum . . . pergit.

i. 22. Non erat Othoni mollis et corpori similis animus.

i. 28. Stationem in castris agebat Iulius Martialis tribunus. Is magnitudine subiti sceleris . . . praebeuit plerisque suspicionem conscientiae.

i. 35. Obvius in Palatio Iulius Atticus speculator cruentum gladium ostentans occisum a se Othonem exclamavit; et Galba "commilito," inquit, "quis iussit?"

i. 60. Agebatur huc illuc Galba vario turbæ fluctuantis impulsu.

i. 41. Plures (prodidere) obtulisse ultro percussoribus iugulum: agerent ac ferirent, si ita e re publica videretur.

i. 41. De percussore non satis constat: quidam Terentium evocatum, alii Lecanium, crebrior fama tradidit Camurium quintae decimae legionis militem, etc.

i. 44. Plures quam centum viginti libellos praemium exposcentium ob aliquam notabilem illa die operam Vitellius postea invenit, omnesque conquiri et interfici iussit.

## PLUTARCH.

G. 28, 1. Καὶ καθάπερ ἄλλοι  
γεγονότες . . . συνελθόντες.

G. 29, 4. πέντε αὐτοκρατόρων  
ἡγεμονίαις ἐμβίωσαντα μετὰ τιμῆς  
καὶ δόξης.

O. 1, 5. Τοῦ δὲ Κέλσου μήτ'  
ἀγεννώς ἀποκριναμένου μήτ'  
ἀναισθήτως, ἀλλὰ φήσαντος αὐτὸ  
τοῦ τρόπου διδόναι τὸ ἔγκλημα  
πίστιν, ἐγκεκλήσθαι γὰρ ὅτι Γάλβα  
βέβαιον ἑαυτὸν παρέσχεν.

O. 1, 13. ὃν μὲν αὐτὸς ὑπα-  
τεύειν χρόνον ἤμελλε, τούτου  
μέρος ἐνείμειν Οὐεργινίῳ Ῥούφῳ.  
τοῖς δὲ ἀποδεδειγμένοις ὑπὸ  
Νέρωνος ἢ Γάλβα πᾶσιν ἐτήρησε  
τὰς ὑπατείας. Ἱερωσύναις δὲ τοὺς  
καθ' ἡλικίαν προήκοντας ἢ δόξαν  
ἐκόσμησε.

O. 2, 1. Ὅμοῦ δὲ Ῥωμαίους  
πάντας οὐδὲν εὐφρανεν οὕτως . . .  
ὡς τὰ περὶ Τιγελλίνου.

O. 3, 36. Φοβούμενος γὰρ  
ὑπὲρ τῶν ἀνδρῶν αὐτὸς ἦν φοβερὸς  
ἐκείνοις.

O. 3, 46. Τότε μὲν οὖν ὀρθὸς  
ἀπὸ τῆς κλίνης πολλὰ παρηγορ-  
ήσας.

O. 4, 17. Ἀντέγραψε δὲ  
κάκεῖνος αὐτῷ κατειρωνευόμενος  
ἡσυχῇ πρῶτον· ἐκ δὲ τούτου  
διερεθιζόμενοι πολλὰ βλάσφημα  
καὶ ἀσελγῇ χλευάζοντες ἀλλήλους  
ἔγραψον, οὐ ψευδῶς μὲν, ἀνοήτως  
δὲ καὶ γελοίως.

O. 5, 6. Καταλέγων δὲ τῶν  
ἐν τέλει συνεκδήμους ἔταξεν ἐν  
τούτοις καὶ Λεΐκιον τὸν Οὐΐτελλου  
ἀδελφόν, οὔτε προσθεὶς οὐδὲν οὔτε  
ἀφελὼν ἧς εἶχε τιμῆς.

## TACITUS.

i. 45. Alium crederes sena-  
tum, alium populum.

i. 49. Quinque principes  
prospera fortuna emensus.

i. 71. Celsus constanter  
servatae erga Galbam fidei  
crimen confessus exemplum  
ultra imputavit.

i. 77. Consul cum Titiano  
fratre in kalendas Martias  
ipse; proximos menses Ver-  
ginio destinatus . . . ceteri con-  
sulatus ex destinatione Nero-  
nis aut Galbae mansere . . .  
sed Otho pontificatus augu-  
ratusque honoratis iam seni-  
bus cumulum dignitatis addi-  
dit.

i. 72. Par inde exsultatio  
disparibus causis consecuta  
impetrato Tigellini exitio.

i. 81. Cum timeret Otho,  
timebatur.

i. 82. Donec Otho . . . toro  
insistens precibus et lacrimis  
aegre cohibuit.

i. 74. Paria Vitellius osten-  
tabat, primo mollius stulta  
utrimque et indecora simu-  
latione; mox quasi rixantes  
stupra et flagitia in vicem  
obiectavere, neuter falso.

i. 88. Multos e magistra-  
tibus, magnam consularium  
partem, Otho non participes  
aut ministros bello, sed comi-  
tum specie secum expedire  
iubet, in quis et Lucium  
Vitellium . . . nec ut impera-  
toris fratrem nec ut hostis.

## PLUTARCH.

O. 6, 3. Οἱ γὰρ Οὐῖτελλίου . . . ἐχλεύαζον τοὺς Ὀθωνος ἐστῶτας παρὰ τὰς ἐπάλξεις, σκηνικοὺς καὶ πυρρῆχιστάς καὶ Πυθίων καὶ Ὀλυμπίων θεωροὺς ἀποκαλοῦντες.

O. 7, 29. \*Ἐπεμψεν οὖν Τιτιανὸν ἐπὶ τὰ στρατεύματα τὸν ἀδελφὸν καὶ Πρ κλον τὸν ἑπαρχον, ὅς εἶχεν ἔργῳ τὴν πᾶσαν ἀρχήν, πρόσχημα δὲ ἦν ὁ Τιτιανός. Οἱ δὲ περὶ τὸν Κέλσον καὶ Παυλῖνον ἄλλως ἐφείλκοντο συμβούλων ὄνομα καὶ φίλων, ἐξουσίαν καὶ δύναμιν ἐν τοῖς πράγμασι μηδεμίαν ἔχοντες.

O. 11, 3. προήγαγεν αὐτοὺς ὁ Πρόκλος ἐκ τοῦ Βητριάκου, καὶ κατεστρατοπέδευσεν ἀπὸ πεντήκοντα σταδίων οὕτως ἀπείρως καὶ καταγελάστως, ὥστε, τῆς μὲν ὥρας ἑαρινῆς οὕσης, τῶν δὲ κύκλῳ πεδίων πολλὰ νάματα καὶ ποταμοὺς ἀενάους ἐχόντων ὕδατος σπάνει πιέζεσθαι.

O. 11, 23. Ὀπλισμένων δὲ ἤδη τῶν πολλῶν, καὶ τὸ σύνθημα παραλαμβάνοντων παρὰ τοῦ Οὐάλεντος, ἐν ὅσῳ τὴν τάξιν διελάχανε τὰ τάγματα, τοὺς ἀρίστους τῶν ἱππέων προεξέπεμψαν.

O. 12, 17. Μόνοι δὲ δύο λεγιῶνες . . . ἐπύκλουν ἢ μὲν Οὐῖτελλίου Ἀρπαξῖ ἢ δὲ Ὀθωνος Βοηθός, εἰς πεδῖον ἐξελιξασαι ψιλὸν καὶ ἀναπεπταμένον νόμιμόν τινα μάχην συμπεσοῦσαι φαλαγγηδὸν ἐμάχοντο πολὺν χρόνον. Οἱ μὲν γὰρ Ὀθωνος ἄνδρες ἦσαν εὐρωστοὶ καὶ ἀγαθοί, πολέμον δὲ καὶ μάχης τότε πρῶτον πείραν λαμβάνοντες, οἱ δὲ Οὐῖτελλίου πολλῶν ἀγώνων ἐθάδες.

## TACITUS.

ii. 21. Illi ut segnem et desidem et circo ac theatris corruptum militem . . . increpabant.

ii. 39. Profecto Brixellum Othone honor imperii penes Titianum fratrem, vis ac potestas penes Proculum praefectum; Celsus et Paulinus, cum prudentia eorum nemo uteretur, inani nomine ducum alienae culpaе praetendebantur.

ii. 39. Promoveri ad quartum a Bedriaco castra placuit, adeo imperite ut quamquam verno tempore anni et tot circum amnibus penuria aquae fatigarentur.

ii. 41. Caecina . . . revectus in castra, datum iussu Fabii Valentis pugnae signum, et militem in armis invenit. Dum legiones de ordine agminis sortiuntur equites prorupere.

ii. 43. Forte inter Padum viamque patenti campo duae legiones congressae sunt, pro Vitellio unaetvicesima, cui cognomen Rapaci, vetere gloria insignis, e parte Othonis prima Adiutrix non ante in aciem deducta, sed ferox et novi decoris avida.

## PLUTARCH.

O. 16, 13. "Ἐκεῖνο δὲ" εἶπεν "ὦ ταῖ παρεγγυῶμαι σοι τελευταῖον. μήτε ἐπιλαθέσθαι παντάπασι μήτε ἄγαν μνημονεύειν, ὅτι Καίσαρα θεῖον ἔσχες."

O. 17, 1. Ἦδη δὲ ἐσπέρας οὔσης ἐδίψησε, καὶ πινὼν ὀλίγον ὕδατος, δυνὲν ὄντων αὐτῷ ξιφῶν, ἑκατοῦ κατεμάνθανε τὸ σπᾶσμα πολλὸν χρόνον. καὶ τὸ ἕτερον ἀπέδωκε, θάτερον δὲ εἰς τὰς ἀγκάλας ἀναλαβὼν,—

O. 17, 5. Καὶ φιλοφρονούμενος διένεμε τῶν χρημάτων τῷ μὲν πλέον, τῷ δὲ ἑλαττον, οὐχ ὥσπερ ἀλλοτριῶν ἀφειδῶν, ἀλλὰ τὸ κατ' ἀξίαν καὶ τὸ μετρίον ἐπιμελῶς φυλάττων.

O. 18, 16. Οὐεργινίῳ δὲ Ῥούῳ πράγματα παρείχον ἅμα τοῖς ὅπλοις ἐλθόντες ἐπὶ τὴν οἰκίαν καὶ κατακαλοῦντες αὐθις καὶ κατακελεύοντες ἄρχειν ἢ πρεσβεύειν ὑπὲρ αὐτῶν.

## TACITUS.

ii. 48. Proinde erecto animo capesseret vitam neu patrum sibi Othonem fuisse aut oblivisceretur umquam aut nimium neminisset.

ii. 49. Vesperascente die sitim haustu gelidae aquae sedavit. Tum adlatis pugionibus duobus, cum utrumque pertemptasset, alterum capiti subdidit.

ii. 48. Pecunias distribuit parce nec ut periturus.

ii. 51. Ad Verginium versi modo ut reciperet imperium, nunc ut legatione apud Caecinam ac Valentem fungeretur, minitantes orabant.

Now in the case of Plutarch, I suppose, this procedure of closely, even slavishly perhaps, following a previous author will hardly be regarded as a stumbling-block. He was writing about Roman history for Greeks.<sup>264</sup> He makes no pretence at the composition of an original work, and he naturally uses the best or most accessible material which he has. On the other hand, Nipperdey only represents a not unnatural opinion when he repudiates with some indignation the idea that Tacitus has in many places borrowed both the words and the rhetorical style from one of his recent predecessors. But a little consideration will show that there is nothing after all very revolutionary in such a theory, nor is the value

<sup>264</sup> Conf. his remarks on Latin terms, ἢν καλάνδας Ἰανουαρίας καλοῦσι, *Galb.* 22, 12 : οὕτω γὰρ καλοῦνται οἱ διαγγέλων καὶ διοπτήρων ὑπηρεσίας τελούντες, *Galb.* 24, 2 : ἢν ἄγουσι Ῥωμαῖοι πρὸ δεκαοκτῶ καλανδῶν Φεβ., *Galb.* 24, 10 : ἢ πριγκίπια καλοῦσι Ῥωμαῖοι, *Galb.* 12, 7 : οὕτως γὰρ τὰ τάγματα Ῥωμαῖοι καλοῦσι, *Oth.* 12, 16.

which properly belongs to Tacitus as an historian really diminished by it. Critical investigation into the sources of the ancient historians has shown beyond a question that, when they were dealing with times not within their own memory, they handled their authorities according to methods very different from those pursued in modern times. Not only materials, but the form in which these materials were worked up, were taken from predecessors usually without acknowledgment, and clearly without fear of any charge of plagiarism. In fact the literary value of a history according to ancient standards consisted much more in the mode of representation than in the facts represented. This is Cicero's view,<sup>265</sup> and Pliny the Younger draws a marked distinction between the research for facts which the historian presupposes in some one else and the arrangement of them when found. Thus he asks, what sort of history should he write—"Vetera et scripta aliis? parata inquisitio sed onerosa collatio."<sup>266</sup> Viewed in this light, no one will deny the originality of the "Histories" in spite of their close resemblance to Plutarch, and inferentially to a common source. A comparison suggested by Nissen seems to me exactly apposite. Tacitus is related to this authority as the sculptor to the stone-mason. One prepares the statue in rough, the other makes it into a work of art, and stamps it with the character of his genius.

But further than this, Nipperdey asks, Are the other writings of Tacitus derived in a similar way from predecessors? It by no means follows that they were. It is certain that the later and unhappily lost books of the "Histories" were not. To a certain extent the historians of the first century seem to have continued the works of their predecessors, taking up the history where they left it. Thus Aufidius Bassus stood in this relation to Livy, Pliny the Elder to Aufidius Bassus, Tacitus to Pliny, and much later in time, Ammianus Marcellinus to Tacitus. Sometimes the continuator may have

<sup>265</sup> *de Legg.* i. 2.

<sup>266</sup> *Ep.* v. 8, 12.

taken up his predecessor exactly at the point where he left off, as Pliny seems to have begun "a fine Aufidii Bassi," or as Marius Maximus seems to have done with Suetonius. In other cases he would for the sake of beginning with a well-defined point traverse over again the few last years of his predecessor's account, as Aufidius Bassus seems to have gone back to the beginning of Augustus, although Livy carried his history up to 9 B.C. And this is what Tacitus has done with Pliny. A comparison of "Agric." cap. 3 with "Hist." i. 1 shows that Tacitus' own contribution to history was to consist in the history of the reigns of Domitian, Nerva, and Trajan, which would be to continue the history from where Pliny left it, since we know that he carried it up to the reign of Vespasian and perhaps Titus. But instead of beginning it at that point, he prefers to go back to the beginning of the Flavian period, especially as "scriptores temporum, qui potente rerum Flavia domo monumenta belli huiusce composuerunt, curam pacis et amorem rei publicae, corruptas in adulationem causas tradidere."<sup>267</sup> For this preliminary portion of his work, he did what the historians of his time usually did, i.e. he derived his facts from the best contemporary authority at his command, only leaving the original account with his own rhetorical style, his own philosophical views, and to a certain extent with his own political tendencies. Unfortunately what in the view of Tacitus was a mere introduction, and certainly of secondary importance to his main subject, is all that we have left, and the remembrance of this fact is the best answer to Nipperdey's objections.

It remains to discuss the question who was the common authority followed so closely by Plutarch and Tacitus. According to Josephus a number of writers treated of the events connected with Galba and Vindex,<sup>268</sup> but this is one of those vague statements to which we cannot assign much value, nor again can we infer much as to the number of writers from the passage of Tacitus quoted above, "Scriptores temporum, qui potente rerum

<sup>267</sup> *Hist.* ii. 101.

<sup>268</sup> *Bell. Iud.* 4. 9. 2.



Flavia domo composuerunt monimenta huiusce belli." A scholion to Juvenal <sup>269</sup> mentions a certain Pompeius Planta who wrote an account of the war between Otho and Vitellius. But either this is a completely unknown individual, or it is the Pompeius Planta who was praefectus Aegypti at the beginning of Trajan's reign, and who would therefore be hardly more a contemporary of the war than Tacitus himself. The only other authorities of whom we know anything are Vipsanus Messala, quoted by Tacitus,<sup>270</sup> Cluvius Rufus, referred to by Plutarch <sup>271</sup> and cited by Tacitus in the "Annals," and C. Plinius, cited by Tacitus.<sup>272</sup> Messala may be dismissed at once. He was attached as tribune during the war to the VII legion in Dalmatia, and probably wrote some sort of memoirs of the war, and it is only on a detail of the campaign that Tacitus refers to him. We are therefore, if we are to come to a decision at all, left to choose between Cluvius Rufus and C. Plinius. Mommsen has declared decisively in favour of the former. To judge of the matter we must collect what we know of him.

He was consul with P. Clodius <sup>273</sup> at some time previous to 41 A.D., since in that year we learn from Josephus <sup>274</sup> he was ὑπατικός and was present at the murder of Caligula. We next hear of him as accompanying Nero in his progress through Greece, and as acting as a kind of herald to the imperial singer.<sup>275</sup> He was therefore in a position to become acquainted with the events of Nero's reign, and that he wrote a history of it we know from two passages of the "Annals," where his authority is cited.<sup>276</sup> He was made governor of Hispania Tarraconensis by Galba,<sup>277</sup> and is described by Tacitus as "vir facundus et pacis artibus, bellis inexpertus," and again <sup>278</sup> as "dives et eloquentia clarus." After Galba's death he seems at first to have joined Otho, but almost immediately he turned round

<sup>269</sup> ii. 99.                      <sup>270</sup> iii. 25.                      <sup>271</sup> *Oth.* 4.

<sup>272</sup> *Hist.* iii. 28.                      <sup>273</sup> Orelli, 1168.

<sup>274</sup> *Ant. Iud.* 19. 1. 13                      <sup>275</sup> Suet. Ner. 21, Dio Cass. 63. 14.

<sup>276</sup> xiii. 20, xiv. 2.

<sup>277</sup> Tac. *Hist.* i. 8.                      <sup>278</sup> iv. 40.

and declared for Vitellius,<sup>279</sup> in whose interest he opposed Lucceius Albinus, the Othonian procurator of Mauretania.<sup>280</sup> Unfavourable rumours, however, about him had reached Vitellius, and to clear himself of these he left his province and joined Vitellius at Lugdunum. There his influence was sufficient to get rid of the charges against him, but Vitellius made him accompany his escort to Rome, though without formally taking away his province.<sup>281</sup> At Rome he and Silius Italicus were the only two witnesses of an interview which took place between Vitellius and Flavius Sabinus.<sup>282</sup> That he continued his history up to the time of Otho we know from Plutarch<sup>283</sup> and also from a passage in one of Pliny's letters.<sup>284</sup> Cluvius Rufus therefore certainly was in a position to write a trustworthy history of the incidents of this period. He was a friend of Galba, being in fact his successor in Spain, accompanied the march of Vitellius, and was evidently mixed up with the leading events in the capital. But though he doubtless wrote a history of the period, was it the history of which Plutarch and Tacitus made use? In my opinion the arguments of Nissen against this supposition are entirely conclusive. As Cluvius Rufus is never mentioned as an authority by Tacitus in the "Histories," apart from *à priori* probability the only positive argument in his favour is the passage in Plutarch,<sup>285</sup> who, after mentioning the fact that Otho allowed himself in the theatre to be called Nero Otho, adds "Κλούβιος δὲ Ῥούφος εἰς Ἰβηρίαν φησὶ κομισθῆναι διπλώματα . . . τὸ τοῦ Νέρωνος θετὸν ὄνομα προσγεγραμμένον ἔχοντα τῷ τοῦ Ὄθωνος." A little consideration will, I think, show that this passage furnishes a conclusive argument against Mommsen's theory. I lay no particular stress on what however is not without its weight, that, according to Peter's observation, Plutarch habitually avoids all reference by name to his main authority. But leaving that out of account, the name is evidently introduced here on Livy's principle

<sup>279</sup> *Hist.* i. 76.<sup>280</sup> *ii.* 58.<sup>281</sup> *ii.* 65.<sup>282</sup> *iii.* 65.<sup>283</sup> *Oth.* 4.<sup>284</sup> *Ep.* ix. 19. 5.<sup>285</sup> *Oth.* 4.

—auctorem pro re posui—because the circumstances narrated seemed antecedently improbable, and the author refused to make himself responsible for it. But why should Plutarch feel hesitation about this statement in particular, whereas in apparently all the rest of his history he has been content to follow his authority without remark? Now, if we turn to Suetonius,<sup>286</sup> we find the same report recorded with a similar sceptical qualification, “ut quidam tradiderunt.” It is certainly a curious coincidence that two uncritical writers like Plutarch and Suetonius should both be so scrupulous on this particular point. Lastly, Tacitus, who also mentions the fact of Otho being greeted with the title of Nero, says nothing whatever about the passports being so inscribed. All three, however, clearly follow the same authority on this point. Suetonius says, “ab infima plebe appellatus Nero nullum indicium recusantis dedit.” Plutarch says, “τοῖς δὲ πολλοῖς χαριζόμενος οὐκ ἔφειγε ἐν τοῖς θεάτροις Νέρων προσαγορεύεσθαι.” Tacitus says, “atque etiam Othoni quibusdam diebus populus et miles . . . Neroni Othoni adclamant.” If they followed Cluvius why does Tacitus omit this reference to the “diplomata,” and the other two imply their disbelief? On the other hand, if it was this common authority who cited Cluvius for a statement which he disbelieved, then the coincidence between Plutarch and Suetonius is at once natural and intelligible, while the silence of Tacitus is an emphatic agreement with the implied judgment of the authority. But besides this, it is almost impossible to suppose that the references to Cluvius Rufus in Tacitus were supplied by himself. A man might speak of himself as “facundus et pacis artibus,” but he would hardly add “bellis inexpertus.”<sup>287</sup> He would also probably not have drawn such direct attention to his sudden desertion of Otho for Vitellius.<sup>288</sup> He would hardly have said of himself so openly that he went to Vitellius, “laetitiam et gratulationem vultu ferens, animo anxius,” while if

he mentioned the suspicion against himself "tanquam propriam ipse potentiam et possessionem Hispaniarum temptasset," he would surely have said something more by way of clearing himself than "auctoritas Cluvii praevaluit," and, lastly, when it is said that he, like L. Arruntius, was compelled to govern his province in his absence, it implies no very high estimate of Cluvius' importance to add, "eum Tiberius Caesar ob metum, Vitellius Cluvium nulla formidine retinebat."<sup>289</sup> Again, it is quite impossible to suppose that Tacitus was following Cluvius Rufus in iii. 65 when he mentions the interview between Vitellius and Flavius Sabinus. For though Cluvius was one of the two witnesses of the "verba vocesque," no account is given of what took place, only the impressions of distant bystanders are cited, and even the place of meeting is stated on the ground only of common report—"ut fama fuit." Lastly, it appears from the mention of Cluvius Rufus in Pliny<sup>290</sup> that he had not taken an entirely favourable view of the conduct of Verginius Rufus. Verginius himself related to Pliny a conversation he had had with Cluvius, who made some sort of apology for this:—"Scis, Vergini, quae historiae fides debeatur. Proinde si quid in historiis meis legis aliter ac velis, rogo ignoscas." But neither in Plutarch nor in Tacitus is there a trace of anything but eulogy in connexion with the action of Verginius, and this, so far as it goes, deserves perhaps to be added to the arguments already adduced against Mommsen's view.<sup>291</sup> Thus by a method of residues we seem compelled to come to the conclusion that the "His-

<sup>289</sup> ii. 65.      <sup>290</sup> *Ep.* ix. 19. 5.

<sup>291</sup> Mommsen rejects Nipperdey's emendation of "decessu" for "discessu" in Tac. iv. 39, "citeriorem Hispaniam ostentans discessu Cluvii Rufi vacuam," and he is probably right, for the death of Cluvius could hardly have passed without notice by Tacitus, and the passage in Pliny implies that Cluvius lived beyond the events of the war. There is, however, a certain difficulty in "discessu," for, as we learn from ii. 65. "non adempta Hispania quam rexit absens," so that Spain was not technically "vacua" by the departure of Cluvius. Nor did a new emperor need any such excuse for sending a new governor.

tories" of C. Plinius, the author of the "*Historia Naturalis*," were the source used by Plutarch and Tacitus. That Pliny wrote histories we know from his nephew,<sup>292</sup> "*avunculus meus idemque per adoptionem pater historias et quidem religiosissime scripsit.*" In his list of his uncle's works Pliny describes these histories as "*a fine Aufidii Bassi, xxxi. libri,*"<sup>293</sup> and we learn from the Preface to the "*Natural History*" that they were continued up to the reign of Vespasian—"N. H. Praef." § 20, "*nos quidem omnes patrem, te fratremque diximus opere justo temporum nostrorum historiam orsi a fine Aufidii Bassi.*" Aufidius Bassus probably left off at the end of Claudius, and certainly Pliny's history included Nero's reign—conf. "*H. N.*" ii. 199, "*anno Neronis principis supremo sicut in rebus eius exposuimus,*" while he was certainly consulted by Tacitus in the "*Annals*"<sup>294</sup> and also in the "*Histories.*"<sup>295</sup> It is therefore certain that Pliny, as well as Cluvius Rufus, wrote a history embracing this period, and also certain that he wrote it under Vespasian, so that Tacitus may be with some plausibility supposed to refer to him when he criticises the writers of the Flavian age.<sup>296</sup> It is further certain that Tacitus did refer to him in the "*Histories.*"<sup>297</sup> To this we may add, without assigning too great weight to them, the following arguments adduced by Nissen—The fact that both Pliny and Verginius Rufus were natives of Comum and also connected by a long-standing friendship would lead us to expect from the former a eulogistic treatment of Verginius' conduct, and this in Plutarch's account we get. Further, Caecina was also a native of North Italy, and also during Vespasian's reign in a position of high honour. Both these facts would be motives which would naturally lead Pliny to take a more favourable view of Caecina than of Valens, who was a bitter enemy of Verginius, whom he calumniated to Galba.<sup>298</sup> This,

<sup>292</sup> *Ep.* v. 8. 5.<sup>293</sup> *Ep.* iii. 5. 1.<sup>294</sup> xiii. 20, xv. 53.<sup>295</sup> iii. 28.<sup>297</sup> iii. 28.<sup>296</sup> *Hist.* ii. 101.<sup>298</sup> i. 52, iii. 62.

too, to a certain extent, may be traced. Thus in reference to the defeat of the Vitellians near the temple of Castor, Plutarch mentions indeed the view that it was due to the selfish precipitancy of Caecina, but he prefers to attribute it to the slowness of Valens, whereas Tacitus, using his own judgment, puts it down without hesitation to Caecina. It is impossible, however, to attach much importance to these and a few similar coincidences which Nissen points out, since even their cumulative weight is not great. And beyond this it seems impossible to carry the discussion. On the whole the probabilities seem to be against Mommsen's view, and, failing Cluvius Rufus, there is no other known historian of the period for whom so much can be said as for Pliny. But obviously the real importance of the literary puzzle lies in the point that Plutarch and Tacitus used some common authority and followed him with great closeness, much more than in the determination who that authority was.

Another point which must be regarded as very probable is that Plutarch has followed this authority more closely than Tacitus. The latter used the authority for his facts, frequently almost following him word for word, but none the less importing into the whole his own rhetorical style, shortening the sometimes diffuse and detailed account, arranging the material symmetrically, sometimes without regard to chronological order, sometimes suppressing alternate versions and improbable statements, and in certain cases probably giving his own political colouring to the events he narrates. Thus while Plutarch, with strict chronological accuracy, gives the account of the events happening in the German army in cap. 22 before the death of Galba, Tacitus in order to give a single complete picture describes what happened in Germany altogether in i. 51 foll. Similarly the double mention of Turpilianus in Plutarch <sup>299</sup> and of Tigellinus <sup>300</sup> corresponds in Tacitus to two single allusions.<sup>301</sup> One or two out of many instances of the

<sup>299</sup> *Galb.* 15 and 17.      <sup>300</sup> *Galb.* 17 and *Oth.* 2.

<sup>301</sup> *Hist.* i. 6, and i. 72.



way in which Tacitus cut down and shortened his material will be seen by comparing Tac. i. 74 with Plut. "Oth." 4 (the correspondence between Vitellius and Otho), Tac. ii. 48. with Plut. "Oth." 17 (the last evening of Otho's life), and Tac. i. 72 with Plut. "Oth." 2 (the death of Tigellinus). Mere personal anecdotes, like that about Canus,<sup>302</sup> repulsive details like the mutilation of Galba's head,<sup>303</sup> and improbable statements like that of Cluvius Rufus about the Spanish diplomata, are all omitted in Tacitus, who indeed in one or two cases in his desire to be brief has left out essential points which Plutarch supplies.<sup>304</sup> But while Plutarch is probably a more faithful repeater of what his authority said, he is also much more inaccurate than Tacitus. Instances of this are (1) such an expression as τὸν Σεpronίων οἶκον; <sup>305</sup> (2) the statement that Galba was related to Livia Augusta;<sup>306</sup> (3) the mistake about Sempronius Densus, who, according to Plutarch, defended Galba, not Piso; <sup>307</sup> (4) the placing of the mutiny at Ostia instead of the Praetorian camp; <sup>308</sup> (5) the assertion that Cremona was in the possession of the Othonians instead of the Vitellians; <sup>309</sup> (6) the mention of Asiaticus as a freedman of Galba; <sup>310</sup> (7) the statement that the father of Piso was killed by Nero instead of Claudius; <sup>311</sup> (8) the incorrect definition of "optio" and "tesserarius"; <sup>312</sup> besides a number of minor points, and one or two instances of mistranslation from the Latin.<sup>313</sup>

The aim of Suetonius was different from that either of Plutarch or Tacitus, being purely biographical, and accordingly we find a number of personal incidents about both Galba and Otho which are absent from the two other historians. A list of these it is not necessary to give here, but it is, I think, sufficiently clear that Suetonius used some other authorities in addition to the one followed by Plutarch and Tacitus. With this, how-

<sup>302</sup> Plut. *Galb.* 16.      <sup>303</sup> Plut. *Galb.* 27.

<sup>304</sup> Conf. Plut. *Galb.* 16 and *Oth.* 4 *ad fin.* and 10.

<sup>305</sup> *Galb.* 3, 3.      <sup>306</sup> *Ib.* 3, 7.      <sup>307</sup> *Ib.* 26.      <sup>308</sup> *Oth.* 3.

<sup>309</sup> *Ib.* 7.      <sup>310</sup> *Galb.* 20.      <sup>311</sup> *Ib.* 23.      <sup>312</sup> *Ib.* 24, 2.

<sup>313</sup> *Ib.* 23, 12 and *Oth.* 12, 24.

ever, we are not directly concerned, and it will be enough here to point out a few instances of close similarity between Suetonius and Plutarch, and Suetonius and Tacitus, as evidence that he used their authority as well.

## SUETONIUS.

*Galb.* 3, 4. αὐτὸς ἐφρόνει  
μείζον ἐπὶ τῇ Κάτλου συγγενείᾳ.

*Galb.* 5, 8. κατηγορήσας δὲ  
τοῦ Νέρωνος καὶ τῶν ἀνηρημένων  
ἀνδρῶν ὑπ' αὐτοῦ τοὺς ἐπιφανε-  
στάτους ὀλοφνέμενος.

*Galb.* 5, 11. οὔτε Καῖσαρ  
οὔτ' αὐτοκράτωρ, στρατηγὸς δὲ  
συγκλήτου καὶ δήμου Ῥωμαίων  
ὀνομαζόμενος.

*Galb.* 5, 15. Προσποιούμενος  
γὰρ ἐκείνου καταφρονεῖν καὶ παρ'  
οὐδὲν ἡγεῖσθαι τὰ Γαλατῶν—

*Galb.* 5, 17. ἅμα τῷ πυθέσθαι  
τὰ περὶ Γάλβαν . . . ἀνέτρεψε τὴν  
τράπεζαν.

*Galb.* 7, 19. τῷ δ' ἀπελευ-  
θέρῳ δακτυλοῖς τε χρυσοῦς ἔδωκε  
καὶ Μαρκιανὸς ὁ Ἰκελὸς ἤδη  
καλούμενος—

*Galb.* 15, 26. σημεία τῷ  
τάγματι καὶ χώραν αἰτοῦντες.

*Galb.* 16, 3. The anecdote  
about Canus.

*Galb.* 16, 13. τοὺς πρια-  
μένους παρ' αὐτῶν ἢ λαβόντας  
ὅτιοῦν ἀνεζήτει καὶ παρ' ἐκείνων  
ἐξέπραττε.

*Galb.* 17, 21. ἐπεπλήχθη  
(ὁ δῆμος) διαγράμματι τοῦ αὐτο-  
κράτορος.

*Galb.* 19, 4. μὴ μόνον διὰ  
τὸ γῆρας ἀλλὰ καὶ διὰ τὴν ἀπαι-  
δίαν καταφρονούμενος.

*Galb.* 19, 27. Ἐλθούσης  
δὲ παρ' αὐτὸν ὥς γαμετῆς οὐκ  
ἡγάπα μετέχων, ἀλλ' ἥσχαλλε  
μεταβιδοῦς.

## PLUTARCH.

*Galb.* 2. pronepotem se Q.  
Catuli Capitolini semper ad-  
scripsit.

*Galb.* 10. propositis ante se  
damnatorum occisorumque a  
Nerone quam plurimis ima-  
ginibus.

*Galb.* 10. consalutatusque  
imperator legatum se senatus  
ac populi Romani professus  
est.

*Ner.* 40. de motu Gallia-  
rum . . . adeo lente ac secure  
tulit ut gaudentis etiam sus-  
picionem praeberet.

*Ner.* 47. literas prandenti  
sibi redditas concepsit, mensam  
subvertit.

*Galb.* 14. libertus Icelus  
paullo ante anulis aureis et  
Marciani cognomine ornatus.

*Galb.* 12. aquilam et signa  
pertinacius flagitantes.

*Galb.* 12.

*Galb.* 15. si quid . . . do-  
natum olim vendidissent, au-  
ferretur emptoribus.

*Galb.* 4. pro Tigellino etiam  
saevitiae populum edicto in-  
crepuit.

*Galb.* 17. despectui esse non  
tam senectam suam quam  
orbitatem ratus.

*Oth.* 3. adeo dilexit ut ne  
rivalem quidem Neronem ae-  
quo tulerit animo.

## SUETONIUS.

*Galb.* 23, 20. μηδὲ τότε  
δωρεὰς αὐτοῖς δοθείσης.

*Oth.* 3, 3. τοῖς δὲ πολλοῖς  
χαριζόμενος οὐκ ἔφευγε τὸ πρῶ-  
τον... Νέρων προσαγορεύεσθαι...  
Κλούβιος δὲ Ροῦφος εἰς Ἰβηρίαν  
φησὶ κομισθῆναι διπλώματα...  
τὸ τοῦ Νέρωνος θετὸν ὄνομα  
προσγεγραμμένον ἔχοντα τῷ τοῦ  
Οθωνος.

## PLUTARCH.

*Galb.* 17. ne tunc quidem  
donativi ulla mentione facta.

*Oth.* 7. ab infima plebe ap-  
pellatus Nero nullum indi-  
cium recusantis dedit: immo,  
ut quidam tradiderunt, etiam  
diplomatibus primisque epist-  
ulis suis ad quosdam provin-  
ciarum praesides Neronis cog-  
nomen adiecit.

Of similar resemblances between Suetonius and Tacitus we may note the following:—

## TACITUS.

i. 24. de parte finium cum  
vicino ambigenti universum  
vicini agrum sua pecunia emp-  
tum dono dederit.

i. 22. urgentibus etiam  
mathematicis, e quibus Ptole-  
maeus Othoni in Hispania  
comes cum superfuturum eum  
Neroni promississet, postquam  
ex eventu fides, persuaserat  
fore ut in imperium adscis-  
ceretur.

i. 41. Extremam eius vo-  
cem, varie prodidere: alii  
supplices interrogasse quid  
mali meruisset, paucos dies  
exsolvendo donativo depreca-  
tum; plures obtulisse ultro  
percussoribus iugulum: ager-  
ent ac ferirent, si ita e re publi-  
ca videretur.

i. 31. Germanica vexilla  
diu nutavere, invalidis adhuc  
corporibus et placatis animis,  
quod eos... longa naviga-  
tione aegros impensiore cura  
Galba refovebat.

ii. 48. libellos epistulasque  
studio erga se aut in Vitellium  
contumeliis insignes abolet;  
pecunias distribuit parce nec  
ut periturus.

## SUETONIUS.

*Oth.* 4. Cuidam etiam de  
parte finium cum vicino liti-  
ganti totum agrum redemit  
emancipavitque.

*Oth.* 4. Spem cepit ex ad-  
firmatione Seleuci mathe-  
matici qui quum eum olim  
superstitem Neroni fore spo-  
pondisset, tunc ultro inopina-  
tus advenerat, imperaturum  
quoque brevi repromittens.

*Galb.* 20. Sunt qui tradunt  
proclamasse eum quid agitis,  
commilitones? ego vester sum  
et vos mei, donativum etiam  
pollicitum: plures autem pro-  
diderunt obtulisse ultro iugu-  
lum et ut hoc agerent ac  
ferirent quando ita videretur  
hortatum.

*Galb.* 20. Omnes sprevisse  
nuntium excepta Germanici-  
anorum vexillatione: hi ob  
recens meritum quod se aegros  
et invalidos magno opere fovis-  
set, etc.

*Oth.* 20. Quidquid deinde  
epistularum erat, ne cui peri-  
culo aut noxae apud victorem  
forent incremavit, divisit et  
pecunias domesticis ex copia  
praesenti.

With regard to Dio Cassius a very few words may suffice. Close resemblances to Plutarch in cases where Tacitus and Suetonius are silent are extremely few. The following perhaps deserves notice—

## PLUTARCH.

## DIO CASSIUS.

<p><i>Galb.</i> 29. οὐχ ἐαυτῷ τὰ          πράγματα λαμβάνειν, ἀλλὰ          μαλλον ἐαυτὸν οἰόμενος δίδοναι          τοῖς πράγμασιν.</p>	<p><i>lxiiv.</i> 2. νομίζων οὐκ εἰληφέναι          τὴν ἀρχὴν ἀλλὰ μάλλον δέδοσθαι          ἐαυτόν.</p>
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There are, however, a number of very close resemblances between Suetonius and Dio Cassius which seem to show that whatever other authorities—and he certainly had others for this part of his history—the latter may have used, Suetonius was at any rate in his hands.

The general result of the foregoing inquiry may therefore be summarised thus. The authority used by Plutarch and Tacitus in his account of Galba and Otho was a writer of the Flavian period, who may with a good deal of probability be identified with Pliny the elder. The same authority was also used by Suetonius, who, however, supplemented it for the more personal and anecdotal parts of his "Lives" by some other sources perhaps not entirely literary, while Dio Cassius employed Suetonius certainly and other authorities as well, among whom Tacitus and Plutarch may possibly be included.

## XVI

### A Bodleian MS. of Pliny's Letters ;

VIII 8, § 3-18, § 11 and ad Traj. 1-40

IN the Bodleian Library there is a volume containing all Pliny's letters, and presenting several interesting problems in connexion with the textual criticism of Pliny. The volume consists of three parts bound up together, (1) the edition of Beroaldus of 1498, containing all the letters then known of the IX Books, (2) the edition of Avantius of 1502, containing the latter portion of the letters to Trajan, (3) the letters omitted in these two editions inserted in MS. in their proper places ; all these parts being annotated, with marginal readings in an ancient handwriting.

In the following paper I shall try to prove (1) that the MS. portion is the oldest authority for the letters contained in it, having been copied either from the lost Parisian Codex, or more probably from a copy of that Codex ; (2) that the marginal corrections are also taken from a copy of the original MS. made by Giovanni Giocondo, the scholar, and architect ; (3) that this edition is the copy of Aldus Manutius Pius himself, and that from it the first proof of his first edition of 1508 was actually printed.

Before seeking actually to establish these points it will be as well briefly to summarise the chief facts relating to the authorities for the text of Pliny, as set forth by Keil in his well-known critical edition of 1870.

The MSS. of Pliny may be divided into four families : (1) those containing the first four books and six letters of

Book v, and represented by the Codex Florentinus (F); (2) those, dating mostly from the fifteenth century, which contain eight books, the eighth being omitted, and Book ix—minus ep. 16—inscribed as Book viii. This family is best represented by the Codex Dresdensis (D) which has in the margin variant readings from family (1); (3) those containing nine books, of which the Codex Medicus (M) is the most nearly complete representative, as it wants only the last 14½ letters of Book ix from 26 § 8 to the end. This Codex, which also contained the Annals of Tacitus i–vi, was not discovered and brought to Italy till 1508, and was not made use of for any edition of Pliny before the 2nd edition of Catanaeus in 1518; (4) a Codex discovered in Paris by Giocondo or Jucundus, containing the ix books complete and in their proper order, and also all the Pliny-Trajan letters. This Codex was made use of at second-hand by Avantius for a portion of the Pliny-Trajan letters in 1502: it was expressly cited by Budaeus in his “Annotationes in Pandectas,” first published in 1508; and it was the authority on which Aldus professedly bases his first edition of the “Libri Decem” in 1508. Of the printed editions it will suffice to mention (1) the editio princeps of 1471 based almost entirely upon D, and omitting Book viii and ep. 16 of ix; (2) an editio Romana of 1474 which was based on some unknown MS. of the same family as M, and contained (under the title of Book ix) a portion of viii, the part omitted being from 8 § 3 to 18 § 11. (3) This edition was followed in 1490 by that of Pomponius Laetus, containing exactly the same letters, but based on a more careful collation of the MS. (4) In 1498 the edition of Beroaldus (contained in the Bodleian copy) was published, following generally the previous edition, and, like it, omitting viii 8 § 3–18 § 11 and ix 16: book ix being still placed as viii.

So far the Pliny-Trajan letters were entirely unknown. The Parisian Codex, however, which contained them was, as already mentioned, discovered by Jucundus in the first years of the sixteenth century, and in 1512 Hieronymus Avantius of Verona published “C. Plinii Junioris ad Trajanum Epistole 46, nuper reperte cum ejusdem



responsis." These 46 letters, the numbering of which is made up by including Trajan's answers under Pliny's letters, and by counting (in ep. 58, Keil) the letters of Domitian and the edict of Nerva, are those numbered 41-121 in Keil. The first letter (Keil 41-2) is marked XXVII, and the last (Keil 120-1) LXXIII. Avantius had not himself seen the original MS. but only had a mutilated copy, which was brought to him from France by one Petrus Leander, as he says in his dedicatory letter to Cardinal Bembo, "*Petri Leandri industria ex Gallia Plinii junioris ad Trajanum epistolas, licet mancas depravatasque habuimus.*" The copy was either carelessly made by Leander, who seems to have been ignorant of Greek, or was carelessly edited by Avantius, whose edition of Sallust's Catiline for the Aldine Press was not conspicuous for its correctness. The same letters were published again by Beroaldus eight months later in the same year, and in the 1st edition of Catanaeus in 1506, but their corrections of Avantius were, in the case of Beroaldus certainly, in that of Catanaeus probably, due to their own conjectures and not to any fresh collation of the MS. In 1508 Aldus for the first time published a complete edition of the letters, containing those hitherto missing from Book VIII, ep. 16 of IX and the first 26 (1-40 Keil) of the Pliny-Trajan correspondence. This, he expressly states that he was enabled to do owing to the help afforded him by Aloisius Mocenigo, Venetian ambassador in Paris, to whom he dedicates the edition, and by Jucundus Veronensis. The latter had sent or brought him a copy of the letters taken from the Parisian Codex, "*Secundi epistolas ab eo ipso exemplari a se descriptas in Gallia diligenter ut facit omnia*"—while the former two years later, on his return from France, brought him the Codex itself: "*has Plinii epistolas in Italiam reportasti in membrana scriptas atque adeo diversis a nostris characteribus ut, nisi quis diu assueverit, non queat legere . . . mihi que dedisti ut excusum publicarem.*" What became of the Codex after this is unknown: it was never used by any later editor, though it seems to be referred to by Catanaeus in his 2nd edition of 1518,

who says that there were shown to him at Rome some "*epistolae descriptae de vetustissimo codice Germanico plures ad Trajanum et insuper quaedam ejusdem Plinii ad amicos.*" The fact, however, that Catanaeus follows in almost every particular the 1st Aldine edition makes one suspect that this was the copy he alludes to. At any rate, the MS. has disappeared, and hitherto the Aldine edition has been regarded as the earliest authority for VIII 8 § 3-18 § 11 and ad Traj. 1-40 (Keil).

In what way Aldus used the copy received from Jucundus, or the Codex itself, has hitherto been uncertain. Keil believes that in respect to the previously published letters, he merely followed the earlier editions, correcting them with conjectures of his own, and that in regard to the hitherto unpublished letters of Pliny and Trajan, the Codex is less accurately consulted by him than it had been by Avantius in the case of the "46 epistle" published by him. An examination of the Bodleian copy will possibly put us in a position to decide with somewhat greater certainty on these points.

To this examination we now proceed. The two first and obvious points are, as has been said, (1) that the two editions of Avantius and Beroaldus have been bound together and (2) that the missing letters in each, i.e. in Beroaldus VIII 8 § 3-18 § 11 and in Avantius 1-26, have been inserted in MS. in Caroline minuscules in their proper place, and bound up with the rest, thus making a complete edition of the letters. To be quite accurate, however, I should say that of the Pliny-Trajan letters 4-26 are thus inserted, since unfortunately the first page on which 1-3 were contained has been cut out, and accordingly the first MS. letter actually present is Ep. 4. On noticing this MS. addition, I at first supposed that the owner of the two editions who had had them bound together had, to make his edition complete, copied in the missing letters from some later edition, and as I was working at the Pliny-Trajan letters, curiosity led me to try to find out what edition he had copied. In doing this I was almost immediately struck with some very strange readings. In several cases the MS. (which I

shall henceforth call B) agreed with the first Aldine edition in readings which have never been repeated in any later edition, and what was still more striking, it in several cases differed not only from the Aldine, *but from all later editions*. Beginning to suspect that B might be older than the Aldine edition, I examined the book with fresh care and was struck by the following points: (1) The paper on which the MS. is written, though not identical in make, is similar to that of the printed edition and to all appearance equally old, (2) the marginal corrections, already alluded to, are in a handwriting which Mr. Madan and Mr. Macray of the Bodleian Library both pronounce to be Italian, and as old as the early part of the 16th century. (3) At the bottom of the last page of the edition of Avantius the following words are written in the same hand—

“Hae Plinii junioris epistolae ex vetustissimo exemplari Parisiensi et restitutae et emendatae sunt opera et industria Ioannis Jucundi praestantissimi architecti, hominis imprimis antiquarii.”

(4) It appears from the fly-leaf at the beginning that the book had belonged to Thomas Hearne, who had written at the bottom of the page: “This edition (collated with a MS.) I bought in an Auction in the year 1708 in Oxon. See what I have said of it in my Pref. to Ed. Oxon. It is as good, if not better, than any MS. that I have seen, and is wonderful rare. The 10th book was printed from the only MS. then in the world, which MS. is since lost, and this edition is the only authority for the later editions of the 10th book.” Hearne had, however, strange as it may seem, given no special attention to the MS. portion of his purchase, as he makes no mention of it either in the Preface to his edition or in his Letters or Diaries.

In dealing with the questions raised by this edition with its MS. and marginal notes, it will be convenient to take the MS. portions first, in order to establish my first point, and to consider them separately, for whereas in the case of the Pliny-Trajan letters the Aldine ed. is the only authority, in the case of the inserted letters in

Book VIII, there is not only the Aldine ed. but also the Medicean Codex with which to compare them.

To take the Pliny-Trajan letters first (IV-XXVI).

In the first place, the letters are numbered in conformity with the edition of Avantius, the last being numbered XXVI and the first in Avantius XXVII. These numbers are not found either in the edition of Catanaeus or Aldus; but from the fact that the mutilated copy of Leander begins with XXVII, it seems probable that the numbers were taken from the Codex.

In Ep. IV (4 § 2 Keil) B has "quia mater Romani liberalitatem sestertii quadragies etc.," quadingenties being added in the margin, also by the scribe, but deleted. The magnitude of the sum, if quadingenties, the reading of Aldus, is adopted, has always been a difficulty, but all attempts to meet the difficulty have hitherto been mere conjecture. It should be added that Budaeus (de Asse III, p. 23), who, as we shall presently see, had used the Codex Parisiensis discovered by Jucundus also reads "quadragies."

In the same Ep., B has "non sine magna fiducia sub-signo. Adverte fidem pro moribus Romani mei etc." I only cite this unintelligible reading as a proof that the MS. was copied not from a printed edition, but from another MS. Aldus in his 1st ed. reads "Adit te fidem," and in his 2nd "apud te fidem."

In Ep. VI (6 § 2 Keil) B has "etsi eum a peregrina manumissum," while the commentator in the margin (whom we will call J) has "esse eum." This is probably the original reading, which Aldus has changed to "eum scilicet."

In Ep. VII (8 § 3 Keil) B has "Kalendis Septembribus," whereas Aldus reads less correctly "Kal. Septembris." G. H. Schaeffer was the first to emend to "Kal, Septembribus," which is almost certainly the right reading.

In Ep. VIII (10 § 1 Keil) B has "secundum institutiones principum," instead of "institutionem" with Aldus. The plur. is justified by the plur. "principum" in the sense of "the policy successively adopted by the

various emperors ; " though the unwillingness of Aldus to accept it was not unnatural.

In the same Ep., B has " *ecce autem* " instead of " *esse autem*," another proof that it was copied, here carelessly from a MS. The Greek words *νομοῦ Μερφύτου*, an incorrect form followed by Aldus, are omitted by the scribe, but inserted in the blank space by J.

In Ep. IX (11 § 2 Keil) B has " *Panchay : ae : Soteridi* " where Aldus, no doubt rightly, reads " *Panchariae Soteridi*." The mistake, however, is clearly due to a misunderstanding of the MS. copied.

In Ep. XIII (15 Keil) the Greek words " *ὑπὲρ Μαλέαν* " are inserted by J.

In Ep. XIV (17 B § 5 Keil) there is a much more important point. B reads " *ita certe prospicio ex ratione Prusensium quam cum maxime tracto*." This, the undoubtedly correct reading, does not occur in any printed edition till that of Cortius in 1734, who, on the suggestion of Perizonius, substitutes it for the incorrect " *cum Maximo* " of Aldus and all intermediate editions.

In Trajan's answer (18 § 1 Keil) B reads " *cuperem . . . simile tibi iter ab Epheso et navigationi fuisset quam, etc.*," where Aldus unintelligibly reads " *ut navigationi*." " *Et* " is undoubtedly a mistaken copy of the original reading " *ei* " which Catanaeus alone adopted in 1518.

In Ep. XVII (23 § 1 Keil) there is a very difficult passage to which, I believe, B offers the key. Aldus reads " *Prusenses, domine, balineum habent et sordidum et vetus. Id itaque indulgentia tua restituere desiderant. Ego tamen aestimans novum fieri debere, videris mihi desiderio eorum indulgere posse*." Keil retains this with a lacuna after " *aestimans*," remarking in a note " *lacuna quam indicavi pretium quanti balineum restituendum Plinius aestimabat, cum verbo finito ex quo reliqua pendebant, excidisse videtur*." B reads after " *et sordidum et vetus*," " *Itaque tamen aestimamus novum fieri quod etc.*" This, I think, proves that the clause in Aldus " *id itaque—desiderant*," is his own interpolation. I should propose to restore from the



reading of B as follows : " Prusenses balineum habent et sordidum et vetus, idqui tam inutile aestimant ut debeat novum fieri quod, etc.," taking *desiderio* as abl. instead of dative.

In Ep. xxi (29 § 2 Keil) B reads " ut iam dixerant sacramento, ita nondum distributi in numeros erant," where Aldus omits " ita " and adds " militari." " Ita " is evidently wanted, but previous to Keil's edition has never been inserted.

In Ep. xxiv (37 § 1 Keil) B reads " qui imperfectus adhuc emissum destructus etiam est." What the real reading was which underlies " emissum," I cannot conjecture, but it was evidently not taken from any printed edition. Aldus has " adhuc relictus ac etiam destructus est."

In the same Ep. B has with Aldus " aliqua pars . . . testaceo opere agenda erit," with " peragenda " also in the scribe's hand in the margin. No editor has ever thrown any doubt upon " agenda," but surely " peragenda " is a far more satisfactory reading.

In Ep. xxvi (39 § 1 Keil) B agrees with Aldus in reading " rimis descendit et hiat," but J has " desedit " in the margin, a much more suitable word.

In the same Ep., B reads " ex ea pecunia quam buleutae addit beneficio tuo aut jam intuleraut etc." Aldus or his printer mistaking " buleutae " for the subject of " addit " altered the latter to " addunt ; " but the correct reading is certainly " additi "—an emendation first suggested by Casaubon and now confirmed.

In Trajan's reply (40 § 1 Keil) Aldus reads " tunc autem a privatis exigi opera tibi curae sit, cum theatrum factum erit." B reads " opera ctum theatrum etc." The original reading may have been " exigi opera tempus cum " or, as Prof. Nettleship suggests, " exigi opera censeo cum, etc."

The other differences between B and Aldus are trifling, in some cases being mere differences in spelling, in others manifest slips of the scribe corrected by Aldus, while in most cases the marginal corrections of J are identical with the Aldine readings.



When we turn to the MS. of Book VIII, we have not only the Aldine ed. with which to compare them, but also the Medicean Codex, which, as we have seen, Aldus could not have used. Moreover, five or six extracts from these letters are contained in the "Annotationes in Pandectas" of Budaeus, who expressly states that his authority is the Parisian Codex which was afterwards handed to Aldus. Speaking of VIII 10 he says "Verum haec epistola et aliae non paucae in codicibus impressis non leguntur; nos integrum ferme Plinium habemus primum apud Parisios repertum opere Jucundi sacerdotis; hominis antiquarii, Architectique famigerati." Now in collating B with Aldus, I find that the former with the marginal readings of J differs from the latter in only 21 cases. Of these four are mere errors of the scribe, as, e.g. "dividissent jam jam unius" for "dividi sententiam unius;" "omnium" for "amnum;" "supetur" for "superetur;" "solo" for "soleo": in 12, B and J are confirmed by M: in 2, both by M and by Budaeus, and in 3, by Budaeus alone. The probability therefore is very great that in all the 17 cases the Aldine readings are due to conjecture or interpolation—a confirmation and a striking one of the conclusion to which the other MS. letters also point. I add the 17 cases in question in a tabulated form.

	<i>B</i>	<i>Ald.</i>	<i>M</i>	<i>Bud.</i>
9 § 1	secedere	sedere	secedere	
10 § 3	videor a meo	video a meo	videor meo	videor a meo
14 § 2	ignorantiam	ignorationem	ignorantiam	ignorantiam
14 § 13	quae solvit	quae absolverit		quae solvit
14 § 17	periment	permant	perimant	periment
14 § 24	debuerim	debuerim an	debuerim,	debuerim,
	quemadmo- dum.	abstinere, quemadmo- dum.	quemadmo- dum.	quemadmo- dum.
15 § 2	<i>Where Aldus inserts a clause "quae si scabrae bibulaeve sint, aut non scribendum," which is omitted both in B and M.</i>			
17 § 3	ejecit	evexit	ejecit	
17 § 4	viderunt quos	viderunt ii quos	viderunt quos	
17 § 4	deprehendit	nonprehendit	deprehendit	
17 § 5	ne illa quidem malo	ne illa quidem loca malo	ut illa quidem mala	
18 § 2	magis inexpectata	magis quoniam in expectata	magis expectata	

18 § 3	temporum est	temporum pruden- tia est	temporum est
18 § 4	filiam	ut filiam	filiam
18 § 11	nam sunt omnes fabulae Tullus	nam sunt venales tabulae Tulli	nam sunt omnes fabulae Tullus
18 § 11	ne gravare	ne gravare scribere	ne gravare

It should be added that the missing letter IX 16 which was not published before Aldus is inserted at the bottom of the page by J, differing from the Aldine reading in only 2 points: (1) "ex isto genere venandi" for "ex isto copiosissimo genere venandi," (2) "tibi cui exigenti" for "tibi quos exigenti."

From the comparison of B with Aldus, both in the case of Book VIII and of the Pliny-Trajan letters, my first point is, I think, established. In the former, in 17 out of 21 differences it is proved by the independent witness of M and Budaeus to be nearer to the original readings, while the mention of Jucundus by Budaeus, and the coincidence of his readings in 5 cases, bear out the similar mention of that scholar at the end of the Bodleian copy. In the former also there are at least 10 somewhat important cases in which B shows traces of an earlier reading, while in many others the discrepancies can be much better explained by supposing that B was copied from a previous MS. than from any printed edition.

My second point—that the marginal readings are due to Jucundus—receives a certain *prima facie* probability from the establishment of the first, especially when taken together with the triple mention of Jucundus by Budaeus, by Aldus, and in the Bodleian copy, but the evidence for it in detail must depend mainly on a consideration of the printed portions of the edition, since in the MS. parts there are no more than 15 marginal readings altogether, of which only 5 or 6 are of any importance.

The first portion of the book consists, as has been already stated, of the ed. of Beroaldus of 1498. Throughout these IX Books there are 155 variant readings inserted by J in the margin. Of these it is a very striking

fact that in 139 cases the readings of J appear in Aldus. In 46 of these, J and Aldus agree against M, D, and the previously printed editions, while in 80 of them, J, M and Aldus all agree. Thus of 155 readings there are only 16 which do not appear in Aldus, and in regard to these we may note (1) that in 5, J is confirmed by M, (2) that in 5 other cases Aldus merely follows the printed editions, (4) that in 3 other his readings are derived from these editions by altering a single letter, and (4) that in only one case is his reading distinctly right and in agreement with M.

A consideration of the marginal readings to Avantius leads to not dissimilar results. Out of 52 readings Aldus agrees with 34. Of the 18 other cases 5 are clearly conjectures on the part of Aldus; in 5, he merely repeats Avantius; in 3, he makes what are clearly accidental errors; in 3, he gets the right reading by a simple and obvious correction of Avantius, while 2 cases are doubtful.

There are 5 cases of some importance in which J, though differing from Aldus, is undoubtedly right and confirms later conjectures

In Ep. LII (78 § 2 Keil) Avantius reads "*Plures enim et quanto infirmiores erunt idem fiduciam diligentiae habeo,*"—J inserts "*petent*" in the margin after "*idem,*" a conjecture made by Beroaldus and accepted by Keil. Aldus interpolates several words and omits "*idem*" altogether.

In Ep. LXI (96 § 10 Keil) Avantius reads "*passumque venire victimarum,*" while J has "*pastum*"—also the conjecture of Beroaldus—Aldus alters to "*passim que venire victimas.*"

In Ep. LXIV (102 Keil) Avantius reads "*diem quae in tutela generis humani . . . translata est,*" J changes to "*diem quo in te tutela, etc.*" afterwards conjectured by J. F. Gronovius, while Aldus reads "*diem in quem tutela.*"

In Ep. LXX (114 § 1 Keil) Avantius reads "*dum neque merum civitatum quae sunt in Bithynia,*" which J alters to "*dum ne quem earum*"—a reading obviously right,

but not adopted earlier than Orelli. Aldus interpolates an entirely different sentence to suit his mistaken interpretation of the passage.

In Ep. LXXI (116 § 2 Keil) Avantius and Aldus read "concedendum jussi invitationes"; emended by Orelli into "concedendas esse invitationes," by Keil into "concedendum jus invitationis." J, confirmed by Budaeus, has concedendum jussisti invitationes," which, though it involves the change of the following "ita" into "at," seems the best reading.

This consideration of the marginal readings an overwhelming majority of which either agree with Aldus or are nearer to the original reading, compared on the one hand with the statement of Aldus that he was indebted to a copy of the MS. received from Jucundus, and on the other with the similar statement made by the marginal commentator, "hae epistolae restitutae et emendatae sunt opera et industria Ioannis Jucundi," is, I think, sufficient to establish my second point, that the marginal readings are due to the collation of the original codex by Jucundus.

My third point also—that this copy belonged to Aldus himself—has, I venture to think, been made extremely probable from what has been already said, and will receive greatly increased confirmation from the following coincidences—one isolated and special, but extremely curious and striking, the others running through the whole edition: (1) a curious misprint in Aldus, otherwise inexplicable, receives immediate and convincing explanation by turning to a marginal reading of J, and supposing that the Bodleian copy was before the printer of the Aldine edition. In VIII 6 § 10 Aldus reads "cui nulla re fas putaret repugnare." J. has in the margin:

in  
cui nulla re fas  
putaret repugna  
re

where the "in" inserted above the "n" of "nulla" without dot to the i or "caret" mark, appears to be a correction of "m" for "n," and was so understood by

the printer. (2) The printed text both of Beroaldus and Avantius is throughout corrected in regard ( $\alpha$ ) to punctuation ( $\beta$ ) to errors in spelling, ( $\gamma$ ) to accents in Greek words and indeed to correction of Greek quotations generally, ( $\delta$ ) to insertion or omission of brackets—these alterations being to all appearance directions to the printer, and as a matter of fact agreeing in most cases with the Aldine edition. On these coincidences, then—not alone, though they would be hard to explain on any other hypothesis,—but taken in conjunction with all that has been said before, I base my third point.

I suppose therefore (1) that Aldus received, as he expressly states, a copy of the Codex from Jucundus, (2) that previously to the issue of his edition he formed a complete copy of the Letters by joining the editions of Beroaldus and Avantius and causing the missing letters to be copied by a scribe from the copy of Jucundus, adding in the printed portions corrected readings, also from the same copy, and correcting, in a few cases only, the scribe's MS. from the same source, (3) that he alludes to this procedure in the statement that the letters have been restored and emended by the industry of Jucundus, (4) that this copy was before the printer for the first proof of the Aldine edition. To this theory it makes no difference whether the actual handwriting is that of Aldus, as I have supposed, or of one of his collaborateurs, nor is it a serious objection that the Aldine edition differs in a considerable number of cases from the Bodleian copy, for (5) I suppose that this copy represents the first proof only, being the work of Jucundus, while the Aldine edition itself has ( $\alpha$ ) a number of conjectures and interpolations made by Aldus himself after the first proof, and ( $\beta$ ) possibly some corrections from the original Codex itself which, as Aldus states, was brought to him by Mocenigo two years after he had received the copy from Jucundus.

If these suppositions are correct, it will be necessary to modify somewhat Keil's judgment of the Aldine edition, (1) that in regard to the previously published letters he merely followed earlier editions, correcting them with

conjectures of his own. That he did correct from his own conjectures we have seen in some cases, but in a far larger number he corrected them not indeed direct from the Codex, but from Jucundus' copy of the Codex. (2) That in regard to the hitherto unpublished letters of Pliny and Trajan, the Codex was less accurately consulted by him than it had been by Avantius in his "46 Epistole." But apart from differences in spelling and slips of B corrected by Aldus, there are only 18 variations between B and J (assumed to represent the copy of Jucundus) and the Aldine edition. Even if we assume all these cases to be due to the arbitrary procedure of Aldus, and we must do so in some of them, still remembering that Avantius has to be corrected by J in 35 cases, and is corrected by Aldus in a good many more, we must confess that Epp. 1-26 in Aldus are much nearer to the original MS. than 27-73 are in Avantius. The general fidelity of Jucundus to the Codex, assuming him to be the original of J, is sufficiently proved by the confirmation of his readings in a very large number of cases by M, and in a few both by M and Budaeus.

This account of the marginal readings in the Bodleian copy would not be complete without the mention of 4 cases where J agrees with the 1st edition of Catanaeus (1506) against all other MSS. or editions.

In I. 5 § 15 both read ἀκαταπάλαιστον where Aldus has δυσκαθαίρετον, M δυσκαθέρετον, and Beroaldus ἀκαθαίρετον.

In VI. 31 § 12 both have καταστήσατε where Aldus has ἐπίστασθε, M ἐπιστήσατε, and D ἐνιστήσατε.

In VII. 12 § 2 both have ὑμεῖς γὰρ αἰεὶ ἰσχυροὶ where Aldus and Beroaldus have ὑμεῖς γὰρ οἱ εὖζήλοι, while M omits.

In ad Traj. 86 (Keil) both have in correction of a difficult and corrupt passage "Fabium Valentem valde probo," where Avantius has "quam ea quae speret," and Aldus "quem abunde ea quae speret."

I do not attempt here to solve the problems raised by these coincidences; only remarking that Catanaeus cannot have seen the Parisian Codex or its copy made by



Jucundus, either for the IX books or for the Pliny-Trajan letters, or he would have inserted the two sets of missing letters. It is however possible that he had for the latter the copy of Leander which Avantius used. He certainly says "*quia uno tantum exemplari, nec illo admodum vetusto adjuti fuimus.*" Could he have got the 4th reading referred to from this copy, while Jucundus got it from the Codex? But in that case why does Aldus neglect it, and why does Catanaeus give it up in his 2nd edition? These points, however, relating to Catanaeus, though not without both difficulty and interest, do not in any way affect the conclusions already drawn as to the origin and importance of the Bodleian copy, and I therefore leave them without further discussion.







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